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CALIFORNIA SHORTHAND REPORTING

1 TUESDAY, JUNE 22, 1999

9:30 O'CLOCK A.M.

2 ---oOo---

3 I. CALL TO ORDER

4 CHAIRMAN EATON: GOOD MORNING
5 EVERYONE, AND WELCOME TO THE JUNE 22, AND TOMORROW'S JUNE
6 23RD, MEETING OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT
7 BOARD.

8 II. ROLL CALL AND DECLARATION OF QUORUM

9 CHAIRMAN EATON: MADAM SECRETARY, WOULD YOU PLEASE
10 CALL THE ROLL.

11 THE SECRETARY: BOARD MEMBERS JONES?

12 MEMBER JONES: HERE.

13 THE SECRETARY: PENNINGTON?

14 MEMBER PENNINGTON: HERE.

15 THE SECRETARY: ROBERTI?

16 MEMBER ROBERTI: HERE.

17 THE SECRETARY: CHAIRMAN EATON?

18 CHAIRMAN EATON: HERE.

19 III. OPENING REMARKS

20 CHAIRMAN EATON: ALL RIGHT, DO ANY MEMBERS HAVE
21 ANY EX PARTES THAT THEY WOULD LIKE TO REPORT?

22 MEMBER PENNINGTON: MR. CHAIRMAN?

23 CHAIRMAN EATON: OR NEED TO, I SHOULD SAY.

24 MEMBER PENNINGTON: MR. CHAIRMAN?

1 CHAIRMAN EATON: MR. PENNINGTON.

2 MEMBER PENNINGTON: A JUNE 15, '99, LETTER OR
3 REQUEST FROM MICHAEL LANG (PHON) WITH THE DOCUMENTARY FILM,
4 TO FUND A DOCUMENTARY ON WASTE TIRES, WHICH IS ITEM NO. A.

5 ON ITEM 12, A JUNE 17TH LETTER FROM MELP
6 (PHON) REGARDING ITS CONCERNS ABOUT RECOMMENDATION NUMBER
7 EIGHT, THE WASTE TIRE PROGRAM REPORT.

8 ITEM NO. 37, JUNE 8, 9 AND 14 ARE DATED
9 LETTERS FROM JERRY JAMGOTCHIAN (PHON) REGARDING THE CITY OF
10 HAWTHORNE.

11 JUNE 14, A LETTER DATED -- LETTER FROM THE
12 CITY OF NORWALK VOICING THE L.A. COUNTY'S JURISDICTIONS'
13 CONCERN WITH THE SYSTEMATIC DEFICIENCY OF THE BOARD'S
14 DISPOSAL QUALITY REPORTING SYSTEM.

15 AND A JUNE 16 LETTER DATED -- OR, JOINT
16 LETTER FROM THE LEAGUE AND CSAC (PHON) REGARDING THEIR
17 CONCERNS OF THREE RECENT BOARD ACTIONS.

18 I THINK THAT COVERS EVERYTHING.

19 CHAIRMAN EATON: OKAY. MR. JONES?

20 MEMBER JONES: MR. CHAIRMAN, ALL MY WRITTEN
21 CORRESPONDENCE WERE UP TO DATE. THEY WERE THE SAME ONES I
22 THINK THAT MR. PENNINGTON GOT.

23 BUT I HAD A MEETING YESTERDAY WITH PAUL
24 GLADFELTY (PHON) AND DAVID ACKERMAN (PHON) TALKING ABOUT

1 INERTS.

2 TALKED TO JOE MONTOYA ON SOME SPENDING AND
3 RAIL HAUL ISSUES, OR ALLOCATION ISSUES.

4 THIS MORNING HAD MY QUICK HELLO TO MR. CUPPS
5 (PHON), AND BOB WINTERS, MIKE CAPRIEL (PHON) FROM ALLIED.

6 AND THEN IN THE AUDIENCE IS -- I WROTE A
7 LETTER TO HIM, PAUL VALLONE, WHO IS GOING TO BE LEAVING
8 CALIFORNIA. PAUL'S WITH THE STOCKTON COGEN FOLKS AND HE'S
9 GOING TO BE MOVING TO TEXAS TO TAKE OVER A BIG OPERATION
10 THERE. SO, I WANT TO WISH HIM GOOD LUCK. AND HE DID A LOT
11 ON OUR USING TIRE CHIPS AS A SUPPLEMENTAL FUEL IN STOCKTON,
12 WORKED HARD WITH THIS BOARD. SO, WISH HIM NOTHING BUT LUCK.

13 CHAIRMAN EATON: SENATOR ROBERTI?

14 MEMBER ROBERTI: YES. I HAVE A LETTER FROM BOB
15 JUDD (PHON) REGARDING THE WASTE TIRE REPORT.

16 AND, I MET YESTERDAY WITH JAN ANERIN (PHON)
17 REGARDING WASTE TIRE STORAGE REGULATIONS.

18 CHAIRMAN EATON: OKAY. AND I HAVE TWO, AS WELL.
19 ELLEN SETTLEMAYER (PHON), OF CITY OF SAN LUIS OBISPO,
20 REGARDING THE SRRE COMPLIANCE LETTER, AND DAVID LANE (PHON)
21 FROM THE CITY OF CLEARLAKE REGARDING THE SRRE COMPLIANCE
22 LETTER, AS WELL.

23 SO, I BELIEVE I GOT THE BOB JUDD LETTER AND
24 ED DEMAYO (PHON) LETTER AS WELL, ON THE ITEM ON TODAY'S

1 CALENDAR.

2 FOR THOSE OF YOU WHO ARE IN THE AUDIENCE WHO
3 MAY BE NEW HERE, THERE ARE SOME SPEAKER SLIPS IN THE BACK
4 WHERE THE GENTLEMEN ARE LEANING OVER THE TABLE. IF YOU'D
5 KINDLY FILL THOSE OUT AND PUT THE NUMBER OF THE AGENDA ITEM
6 OR ITEMS, AS THE CASE MAY BE, AND BRING THEM FORWARD TO LISA
7 DOMINGUEZ ON MY LEFT, AND FOR MOST OF YOU ON YOUR RIGHT, AND
8 SHE'LL MAKE SURE THAT THEY ARE GIVEN TO ME, AND SO THAT I
9 CAN RECOGNIZE YOU AT THE APPROPRIATE TIME SO THAT YOU CAN
10 MAKE YOUR COMMENT AND MAKE SURE THAT YOUR OPINIONS ARE PUT
11 ON THE RECORD.

12 IV. REPORTS AND PRESENTATIONS

13 ORAL REPORTS FROM BOARD MEMBERS

14 CHAIRMAN EATON: DO ANY BOARD MEMBERS HAVE ANY
15 REPORTS THAT THEY'D LIKE TO BRING UP, OR MATTERS? MR.
16 PENNINGTON?

17 MEMBER PENNINGTON: NO, I'M FINE,
18 MR. CHAIRMAN, THANK YOU.

19 CHAIRMAN EATON: MR. JONES?

20 MEMBER JONES: MR. CHAIRMAN, JUST A QUICK REPORT
21 ON A -- LAST MONDAY, THE 14TH, I WAS A SPEAKER AT A MEETING
22 THAT WAS PUT TOGETHER WITH CALIFORNIA TRADE AND COMMERCE
23 WITH A ASIAN DELEGATION, CAME OVER TO A NATIONAL SOLID WASTE
24 MANAGEMENT CONVENTION IN DALLAS AND WAS LOOKING FOR

1 TECHNOLOGY AND IDEAS ON HOW TO DEAL WITH THEIR WASTE STREAMS
2 IN THE PACIFIC RIM.

3 AND I WANT TO THANK HEIDI AND MARSHALLEE
4 (PHON) FROM OUR LOCAL ASSISTANCE WHO CAME DOWN AND PROVIDED
5 TECHNICAL ASSISTANCE AND EXPERTISE AND INFORMATION EXCHANGE
6 FOR THOSE FOLKS. THEY WERE ABLE TO USE -- TALK TO THEM
7 ABOUT OUR PROGRAMS IN CALIFORNIA.

8 ONE OF OUR MISSIONS IS TO BE NOT ONLY A STATE
9 LEADER AND A NATIONAL LEADER, BUT TO BE AN INTERNATIONAL
10 LEADER, AND THOSE PEOPLE ALL CAME TO CALIFORNIA WITH THE
11 IDEA THAT WE LEAD OUR NATION IN SOLID WASTE ACTIVITIES AND
12 WHAT WE DO. AND I THINK IT WAS A PRETTY GOOD DAY.

13 CHAIRMAN EATON: ALL RIGHT. SENATOR ROBERTI?

14 MEMBER ROBERTI: YESTERDAY I WAS IN GRIDLEY AND
15 ACTUALLY I WAS VERY IMPRESSED BY THE LEVEE PROJECT USING
16 WASTE TIRES. IF THE PROJECT WORKS OUT THAT'S 45,000 WASTE
17 TIRES A QUARTER MILE. AT SOME POINT IN THE FUTURE THAT
18 COULD SOLVE THE WASTE TIRE PROBLEM. THAT'S AN ENORMOUS
19 NUMBER.

20 AND CHICO STATE ENGINEERS, WHO ARE
21 INSTRUMENTAL IN PUTTING THIS TOGETHER, ARE VERY ENTHUSIASTIC
22 ABOUT IT. SO, THE WHOLE BUSINESS IS JUST TO CONVINCE THE
23 ARMY CORPS OF ENGINEERS, AND I THINK IT'S POSSIBLE.

24 CHAIRMAN EATON: GREAT. YOU DID A GOOD JOB, AND I

1 THINK SET OUT THE POLICY OF THE BOARD AS WELL IN THE
2 ARTICLE, AND I THINK IT'S A GOOD ARTICLE THAT WE SHOULD, YOU
3 KNOW, TREASURE, AS WELL AS PROMOTE IT. LET'S KEEP OUR
4 FINGERS CROSSED THAT IT ACTUALLY DOES WORK. WE DON'T GET
5 TOO MANY OF THOSE HOME RUNS, OR TRIPLES OR DOUBLES, AS THE
6 CASE MAY BE.

7 I DON'T HAVE ANYTHING TO REPORT.

8 ORAL REPORT FROM THE EXECUTIVE DIRECTOR AND EXECUTIVE
9 STAFF

10 CHAIRMAN EATON: AND AS USUAL, AT THIS TIME I GO
11 DIRECTLY INTO THE CONTINUING BUSINESS ITEMS, BUT I LEARNED
12 MY LESSON AND I WILL DEFER TO MR. CHANDLER, BUT I
13 CONTINUALLY FORGOT TO ALLOW HIM THE TIME TO DO HIS EXECUTIVE
14 DIRECTOR'S REPORT.

15 SO, MR. CHANDLER, ANYTHING TO REPORT?

16 MR. CHANDLER: THANK YOU, MR. CHAIRMAN.

17 MAYBE JUST FOR REVIEW WITH MEMBERS ROBERTI
18 AND MEMBER PENNINGTON. YESTERDAY I ACCOMPANIED CHAIRMAN
19 EATON AND MEMBER JONES TO A MEETING WITH SECRETARY HICKHOCK
20 (PHON) JUST TO REVIEW OUR EFFORTS IN RUBBERIZED ASPHALT
21 CONCRETE. HE ASKED FOR THIS BRIEFING SPECIFICALLY ON THAT
22 TOPIC.

23 WE DELVED EXTENSIVELY INTO THE SUBJECT AREA
24 FOR UP TO AN HOUR, AND REVIEWED THE PAST HISTORY THIS BOARD

1 HAS HAD IN PROMOTING RUBBERIZED ASPHALT CONCRETE, AS WELL AS
2 WHERE WE SEE SOME OF THE LEGISLATIVE AND POLICY STRATEGIES
3 AND RECOMMENDATIONS GOING IN THE FUTURE.

4 WE ALSO TOOK AN OPPORTUNITY TO DISCUSS
5 TODAY'S REPORT BRIEFLY WITH THE SECRETARY, AS WELL.

6 I'D ALSO LIKE TO ADD THAT WE'RE MAKING
7 CONSIDERABLE PROGRESS WITH SECRETARY EILEEN ADAMS (PHON) IN
8 HER AGENCY ON THE DEVELOPMENT OF ENSURING SUSTAINABLE AND
9 GREEN BUILDING DESIGN COMPONENTS AND CONCEPTS GO INTO THE
10 EAST END PROJECT. WE HAD OUR -- WHAT AMOUNTS TO I THINK OUR
11 FOURTH MEETING WITH THE DIRECTOR OF DEPARTMENT OF GENERAL
12 SERVICES AND SOME OF HIS KEY STAFF PEOPLE, AS WELL AS
13 SECRETARY HICKHOCK AND SECRETARY ADAMS.

14 AND CHAIRMAN EATON AND MYSELF PROVIDED
15 COMMENTS TO THE JOINT RULES REPORT THAT CAME FROM KIND OF A
16 COLLECTION OF STAFF RECOMMENDATIONS. AND I WOULD JUST SAY
17 THAT WE'RE MAKING SIGNIFICANT PROGRESS ON THAT FRONT WITH
18 THE EFFORT THAT WE'VE BEEN INVITED TO PARTICIPATE IN. AND
19 WE NOW HAVE AN MOU IN PLACE WITH THE DEPARTMENT OF GENERAL
20 SERVICES, THE CALIFORNIA ENERGY COMMISSION, THE AIR
21 RESOURCES BOARD, THE DEPARTMENT OF HEALTH SERVICES AND
22 OURSELVES TO ENSURE AN ONGOING WORKING RELATIONSHIP IN THAT
23 REGARD.

24 SO, THOSE ARE KIND OF THE TWO KEY AREAS THAT

1 HAVE BEEN OF LATE THAT I WANTED TO JUST UPDATE THE BOARD ON,
2 AND THAT PRETTY MUCH CONCLUDES MY COMMENTS FOR TODAY.

3 CHAIRMAN EATON: OKAY, THANK YOU.

4 ANY QUESTIONS OF MR. CHANDLER?

5 ORAL REPORT ON THE STATUS OF THE 21ST CENTURY POLICY
6 DEVELOPMENT PROCESS

7 CHAIRMAN EATON: OKAY. THERE'S NOTHING NEW TO
8 REPORT ON THE 21ST CENTURY POLICY, OTHER THAN WHAT WAS
9 REPORTED THE LAST TIME.

10 V. CONTINUED BUSINESS AGENDA ITEMS

11 CHAIRMAN EATON: MOVING RIGHT TO CONTINUED
12 BUSINESS AGENDA ITEMS. BEFORE WE BEGIN THAT, ITEM B, WHICH
13 IS THE RPPC, THE CIRCUMSTANCES HAVE NOT CHANGED AND SO WE
14 WILL NOT BE HEARING THAT TODAY, AND IF WE CAN JUST CONTINUE
15 IT TO NEXT JULY -- TO OUR NEXT MEETING IN JULY?

16 ANY OBJECTION TO THAT?

17 MEMBER JONES: NO.

18 CHAIRMAN EATON: HEARING NONE, SO ORDERED.

19 AGENDA ITEM A: CONSIDERATION OF REDIRECTION OF
20 1998/1999 FISCAL YEAR IWMA SAVINGS FOR ALTERNATIVE PROJECTS

21 CHAIRMAN EATON: ITEM NO. A, CONSIDERATION OF
22 REDIRECTION OF 1998/99 IWMA SAVINGS FOR ALTERNATIVE
23 PROJECTS. MS. FISH.

24 MS. FISH: THANK YOU, CHAIRMAN EATON, KAREN FISH

1 FROM THE DIVISION OF ADMINISTRATION.

2 THIS ITEM, CONTINUED FROM LAST MONTH, IS THE
3 REDIRECTION OF '98-99 INTEGRATED WASTE MANAGEMENT ACCOUNT
4 FUNDS FOR ALTERNATIVE PROJECTS.

5 THE PROJECTS LISTED REMAIN THE SAME AS IN *?
6 CHANGE FROM LAST MONTH, HOWEVER, THE FUNDING RECOMMENDATION
7 WAS MODIFIED TO ACCOMMODATE THE LATENESS IN THE FISCAL YEAR,
8 AS WELL AS FUNDING LIMITATIONS.

9 PROJECTS ONE, FOUR, SIX, SEVEN, EIGHT, NINE
10 AND 14 IN COLUMN "A" TOTAL 762,000, AND THE RECOMMENDATION
11 IS THAT THAT BE ALLOTTED FROM THE '98-99 IWMA.

12 BASED ON BOARD DIRECTION STAFF WILL BRING
13 BACK PROJECTS TWO AND FIVE, ONE FOR 45,511 AND ONE FOR
14 200,000 IN THE SECOND COLUMN, TO BE CONSIDERED FOR FUNDING
15 UNDER THE RMDZ FUNDS. PROJECT 10, FOR 50,000, WAS
16 PREVIOUSLY ALLOCATED BY THE BOARD UNDER RMDZ.

17 THE REMAINING PROJECTS ARE TO BE DEFERRED
18 AND, BASED ON BOARD DIRECTION, WILL BE CONSIDERED WITH THE
19 CONTRACT CONCEPTS FOR THE
20 '99-2000 FISCAL YEAR THAT ACTUALLY BEGINS NEXT FRIDAY. SO,
21 BASED ON BOARD DIRECTION, THOSE CONCEPTS COULD BE CONSIDERED
22 AT THAT TIME FOR THE AGENDA ITEM THAT IS SCHEDULED TO COME
23 BACK FOR THE CONTRACT CONCEPTS PROBABLY JULY OR AUGUST.

24 DO YOU HAVE ANY SPECIFIC QUESTIONS?

1 CHAIRMAN EATON: ANY QUESTIONS OF
2 MS. FISH?

3 MEMBER PENNINGTON: MR. CHAIRMAN, I ONLY HAD ONE -
4 -

5 CHAIRMAN EATON: MR. PENNINGTON.

6 MEMBER PENNINGTON: -- QUESTION ON THE PROPOSED
7 ALLOCATION. UNDER THE GARDEN IN EVERY SCHOOL GRANT PROGRAM,
8 NOTICE THAT THE SCHOOLS THAT WE'RE GETTING, AND SOME OF THEM
9 WERE HIGH SCHOOLS. I THOUGHT THIS WAS JUST A PROGRAM FOR
10 ELEMENTARY SCHOOLS.

11 MS. FISH: IT'S MY UNDERSTANDING THAT IT IS FOR
12 BOTH. BUT PERHAPS A STAFF PERSON, OR MAYBE A BOARD MEMBER'S
13 OFFICE WOULD LIKE TO ADDRESS THIS.

14 MEMBER PENNINGTON: I MEAN, IT'S NOT A BIG DEAL, I
15 JUST --

16 MS. FISH: I THINK IT IS --

17 MEMBER PENNINGTON: I JUST THOUGHT IT WAS AN
18 ELEMENTARY --

19 MS. FISH: I THINK IT IS FOR BOTH.

20 MEMBER PENNINGTON: -- SCHOOL PROGRAM. BUT, YOU
21 KNOW, HIGH SCHOOLERS CAN GROW GARDENS TOO, I DON'T CARE.

22 MS. FISH: ANY OTHER QUESTIONS THAT I CAN'T
23 ANSWER?

24 CHAIRMAN EATON: WE HAVE ONE SPEAKER, MISTER --

1 MEMBER ROBERTI: WELL --

2 CHAIRMAN EATON: I'M SORRY. SENATOR ROBERTI, I'M
3 SORRY.

4 MEMBER ROBERTI: JUST TO GO OVER I GUESS *I THE
5 BRIEFINGS. BUT THE AMOUNT HAS NOW BEEN PARED DOWN FROM WHAT
6 IT WAS BEFORE US PREVIOUSLY.

7 MS. FISH: RIGHT.

8 MEMBER ROBERTI: BUT THOSE OTHER MATTERS CAN COME,
9 OR WILL COME BEFORE US AGAIN, WHAT...?

10 MS. FISH: RIGHT. BASED ON YOUR DIRECTION TODAY,
11 STAFF ARE LOOKING FOR DIRECTION ON THE TWO THAT ARE
12 RECOMMENDED UNDER RMDZ --

13 MEMBER ROBERTI: YEAH.

14 MS. FISH: -- FOR THE BOARD TO GIVE US DIRECTION
15 TO BRING THOSE BACK FOR CONSIDERATION.

16 AND THEN I BELIEVE, BASED ON DIRECTIONS, THAT MOST
17 OF THE CONCEPTS UNDER THE DEFER
18 COLUMN --

19 MEMBER ROBERTI: RIGHT.

20 MS. FISH: -- HAVE BEEN FORWARDED TO THE CONTRACT
21 STAFF TO BE INCLUDED AS CONTRACT CONCEPTS. BUT THAT'S ALSO
22 BASED ON BOARD DIRECTION, FOR THOSE THAT THEY WOULD LIKE TO
23 BE CONSIDERED.

24 MEMBER ROBERTI: OKAY. SO THE THREE RMDZS WILL BE

1 BROUGHT BACK -- IS THERE A TIME SCHEDULE ON THOSE?

2 MS. FISH: NO, THAT ONE DOESN'T -- THEY'RE NOT AS
3 CRITICAL OTHER THAN, YOU KNOW, BEING DRIVEN BY THE PROJECT
4 TIME LINE. WE HAVE THE RMDZ MONEY AVAILABLE FOR
5 ENCUMBRANCE, SO IT'S AS SOON AS STAFF GET THEM READY AND GET
6 THEM NOTICED THEY COULD BRING THEM BACK.

7 MEMBER ROBERTI: OKAY. AND THE DEFERS ARE BEING
8 PREPARED FOR A CONTRACT.

9 MS. FISH: FOR CONTRACT CONCEPTS, FOR
10 CONSIDERATION --

11 MEMBER ROBERTI: CONTRACT CONCEPT, RATHER, YEAH.

12 MS. FISH: -- WHEN THE BOARD SEES ALL OF THE
13 CONTRACT CONCEPTS FOR THE FUNDING THAT WE -- THAT BECOMES
14 AVAILABLE JULY 1ST, WE'LL BRING THOSE BACK IN ITEMS AND
15 THERE'LL BE NUMEROUS CONCEPTS, INCLUDING THESE --

16 MEMBER ROBERTI: OKAY.

17 MS. FISH: -- THAT THE BOARD WILL CONSIDER.

18 MEMBER ROBERTI: OKAY. I UNDERSTAND. VERY GOOD,
19 THANK YOU.

20 MS. FISH: OKAY.

21 CHAIRMAN EATON: WE HAVE ONE SPEAKER, A MR. JOSEPH
22 MONTOYA.

23 MR. MONTOYA: CHAIRMAN AND MEMBERS, JOE MONTOYA
24 FROM MONTOYA MANAGEMENT SYSTEMS, I LIVE IN WHITTIER,

1 CALIFORNIA, NEXT TO THE PUENTE HILLS LANDFILL AND THE ATHENS
2 (PHON) .

3 I HAD WANTED TO COMMENT -- I WAS LOOKING FOR
4 -- BACK THERE FOR THE ITEMS ON WHAT WAS ITEM 5 ON YOUR
5 AGENDA OF JUNE 9TH RELATING TO THESE ISSUES THAT WE'RE
6 TALKING ABOUT IN, WHAT? -- V.-A., AND I HAD WANTED TO WRITE
7 A LETTER IN VIEW OF THE DISCUSSION THAT TOOK PLACE AT THE
8 LAST MEETING AND THEN I THOUGHT, WELL, THERE MIGHT BE SOME
9 HETEROPHOBIC BEE REPORTER HERE WANTING TO GRILL EACH OF THE
10 MEMBERS AS TO WHAT COMMENTS I MADE OR WHAT COMMENTS I WROTE
11 ABOUT, SO I THOUGHT, WELL, I'LL JUST COME AND MAKE THE
12 COMMENTS PUBLICLY.

13 THE CONCERN THAT I WANTED TO BRING TO THE
14 BOARD WAS JUST LOOKING AT THESE, I THINK IT WAS, 14 ITEMS,
15 THAT THERE SEEMED TO BE A LOT OF INTERAGENCY AGREEMENTS.
16 AND MY THOUGHT PROCESS WAS THAT I THINK CITIES, COUNTIES AND
17 ALL OF THESE JURISDICTIONS ALREADY COLLECT FROM THE PRIVATE
18 HAULERS A LOT OF MONEY TO DO RECYCLING EDUCATION AND ALL OF
19 THOSE KINDS OF THINGS.

20 AND THEN THE -- FURTHER BACK ON IT, HAVING
21 COME TO THE BOARD BEFORE AND FINDING THAT MANY OF THESE
22 JURISDICTIONS DON'T EVEN ATTEND MEETINGS, LET ALONE FOLLOW
23 THROUGH ON AB 939, I THOUGHT, WELL, IT SEEMS TO ME ADEQUATE
24 TO MAKE THE PUBLIC COMMENT THAT THOSE LOCAL JURISDICTIONS IN

1 MANY INSTANCES ARE ALREADY GETTING MONEY TO BE DOING THE
2 KIND OF WORK THAT SHOULD BE DONE FOR WHICH YOU ARE HANDING
3 OUT MONEY HERE.

4 THERE WERE TWO OR THREE SPECIFIC ONES THAT I
5 WAS CONCERNED ABOUT, AND I -- AGAIN, I DON'T HAVE -- WAS
6 THERE SOMETHING IN BLACK AND WHITE ON THE AGENDA BACK -- OR,
7 IN WRITING FOR WHAT'S GOING THROUGH TODAY?

8 MS. FISH: THERE IS A BRIEF DESCRIPTION IN THE
9 ITEM OF EACH ONE OF THE PROJECTS.

10 MR. MONTOYA: OH, OKAY. BUT, FOR EXAMPLE, THERE
11 WAS ONE THAT HAD CAUGHT MY -- OKAY. THE STATE DEPARTMENT OF
12 EDUCATION GRANT, GARDEN IN EVERY SCHOOL. AND I THINK IF I
13 READ IT CORRECTLY 12 SCHOOLS IN 28 SCHOOL DISTRICTS. IT
14 SEEMS LIKE THAT'S A LOT OF MONEY GIVEN THE EXPERIENCE OF
15 KNOWING YOU CAN PUT TOGETHER A HALF-AN-HOUR PROGRAM AS A
16 LOCAL HAULER WHO -- THAT, FOR EXAMPLE, LIKE I CONSULT WITH,
17 FOR IT SEEMS A LOT CHEAPER THAN THAT. TWELVE SCHOOLS IN 28
18 SCHOOL DISTRICTS FOR \$195,000 DOESN'T SEEM TO BE A LOT OF
19 CLOUT, OR A LOT FOR THE MONEY.

20 THERE WAS ANOTHER ONE, THE INTERAGENCY
21 AGREEMENT WITH THE CITY OF LOS ANGELES TO INITIATE A
22 PROGRAM, EDUCATION CAMPAIGN TO IMPROVE THE COMMINGLED
23 COLLECTION SYSTEM. THERE THAT BROUGHT TO MIND SOMETHING
24 ELSE ALSO.

1 YOU KNOW THERE ARE, GENTLEMEN, HAULERS OUT
2 THERE WHO HAVE GONE THROUGH WHAT I THINK THE BOARD AND THE
3 LEGISLATURE IDEALLY WANTED WITH AB 1939, AND THAT WAS, YOU
4 KNOW, TEACH THE PEOPLE TO SEPARATE THE TRASH AT HOME AND,
5 THEREFORE, YOU END UP WITH TWO OR THREE CONTAINERS. NOW IT
6 SEEMS LIKE WE'RE GOING BACK TO THE DIRTY MRF'ING (PHON)
7 WHERE THE PEOPLE DON'T HAVE TO SEPARATE ANYTHING AT HOME,
8 JUST PUT IT ALL IN THERE, CHARGE THEM THREE DOLLARS MORE A
9 MONTH, AND THEN IT CAN BE SEPARATED AT SOME MRF, AND IT
10 SEEMS THAT SOME CONSIDERATION SHOULD HAVE GONE INTO THAT.

11 THERE WAS I THINK SOMETHING IN
12 HERE -- OH, YES. DID YOU INDICATE THAT THE DOCUMENTARY WAS
13 NO LONGER IN HERE?

14 MS. FISH: THAT IS IN THE DEFERRED, TO BE BROUGHT
15 BACK AT A LATER DATE.

16 MR. MONTOYA: BECAUSE THERE AGAIN, GENTLEMEN, I
17 HAPPEN TO BE A PERSON WHO BUYS A LOT OF THESE EDUCATIONAL
18 VIDEOS, AND WHETHER I BUY THEM FROM KVIE (PHON) OR I BUY
19 THEM FROM PBS IN LOS ANGELES, OR YOU BUY THEM FROM THE
20 DISCOVERY CHANNEL OR THE HISTORY CHANNEL, YOU NEVER GET BY
21 WITHOUT PAYING LESS THAN \$30.00.

22 AND IT SEEMED TO ME THAT IF THE BOARD WAS
23 GOING TO FINANCE SOMETHING IN PUBLIC TELEVISION, NO MATTER
24 WHAT IT BE, THAT YOU HAVE SOME SAY AS TO WHAT THE INPUT IS

1 GOING TO BE, BECAUSE MANY OF THESE PROGRAMS DON'T COME OUT
2 EXACTLY AS THEY WERE SOLD OR AS YOU ANTICIPATE. THE
3 BUSINESS GUY ALWAYS SEEMS TO BE THE BAD GUY IN A LOT OF THIS
4 PUBLIC EDUCATION TELEVISION. SO THAT, NUMBER ONE, THE
5 NOTION OF CONTENT AND THE BOARD HAVING SOME SAY IN THAT.

6 THE SECOND THING IS IF IN FACT THIS IS GOING
7 TO BE MONEY -- A REVENUE-PRODUCING ITEM FOR PUBLIC
8 TELEVISION, IT WOULD SEEM THAT YOU AS THE FUNDERS OF THESE
9 VENTURES WOULD GET SOMETHING BACK SO THAT THEN, IN FACT, THE
10 BOARD COULD REDISTRIBUTE EVEN SOME MORE MONEY TO DO SOME
11 OTHER PROJECTS.

12 AND LAST BUT NOT LEAST, UNRELATED TO THESE
13 ITEMS HERE, AS I HAD TALKED TO YOU BOARD MEMBER JONES, THE
14 IDEA -- I DIDN'T KNOW IF THIS WAS THE APPROPRIATE PLACE FOR
15 MAYBE DOING SOMETHING ABOUT A STUDY FOR WASTE BY RAIL.

16 THERE -- I THINK IT SEEMS THAT IN THE '80S
17 THERE WAS A LOT OF TALK ABOUT WASTE BY RAIL. RECENTLY THERE
18 WAS A BIG CONFERENCE AT THE ROSE (PHON) INSTITUTE IN WHICH
19 THERE WERE A LOT OF ENTREPRENEURS, A LOT OF CITIES, A LOT OF
20 VARIOUS JURISDICTIONS NATIONALLY TALKING ABOUT WASTE BY
21 RAIL.

22 THERE REALLY ARE ONLY APPARENTLY TWO PROJECTS
23 HAPPENING IN THE UNITED STATES THAT I KNOW OF THAT I HAD A
24 CHANCE TO CHECK ON. ONE IS THE ONE IN NAPA, THE OTHER VERY

1 BIG ONE I GUESS IS HAPPENING IN SEATTLE WHERE THEY'RE DOING
2 4,000 TONS A DAY. OTHER THAN THAT I THINK THE ONLY THING
3 THERE WAS ON THE INTERNET WAS A PROJECT IN ONTARIO, CANADA.

4 BUT THERE AGAIN, IT WOULD SEEM LIKE AS A MINIMUM PERHAPS
5 THE BOARD COULD BE A REPOSITORY OF UPDATED INFORMATION ON
6 WHERE WASTE BY RAIL IS GOING AND WHO THE KEY PLAYERS SEEM TO
7 BE. AND CERTAINLY AS A PUBLIC ENTITY I THINK IT BELONGS
8 HERE.

9 I THINK THE DIFFICULTLY WITH WASTE BY RAIL IN
10 THE DISCUSSIONS HAVE BEEN THAT ALL OF THE TWO OR THREE LARGE
11 PRIVATE COMPANIES THAT ARE LEFT, THE \$20 BILLION COMPANIES,
12 WOULD LIKE TO DO THEIR OWN PRIVATE THING. I THINK WASTE BY
13 RAIL IS SOMETHING THAT HAS TO BE TO SOME EXTENT PUBLICLY
14 FUNDED, AND SOMETHING THAT IS -- WHERE THE BOARD AND THE
15 LEGISLATURE AND THE GOVERNOR ARE INTIMATELY INVOLVED,
16 BECAUSE I THINK IT'S A PUBLIC INTEREST KIND OF A PROJECT.
17 SO PERHAPS THIS IS THE PLACE, OR SOMEWHERE ELSE, AND IN THE
18 FUTURE YOU CAN LOOK AT THE IDEA OF FUNDING SOMETHING FOR
19 THAT.

20 THANK YOU AGAIN.

21 CHAIRMAN EATON: I THANK YOU,
22 MR. MONTOYA. JUST A COUPLE OF GENERAL COMMENTS. ONE IS
23 THAT THE ISSUE OF -- THAT YOU RAISED WITH REGARD TO THE TV
24 DOCUMENTARY AND CERTAIN THINGS NOT FLESHED OUT, THAT WAS

1 PROBABLY ONE OF THE REASONS THAT I BELIEVE THAT STAFF DID
2 NOT BRING THAT FORWARD, BECAUSE SOME OF THE ISSUES THAT YOU
3 RAISED AS WELL AS OTHER ISSUES WERE NOT FLESHED OUT YET. SO
4 THAT WAS KIND OF GOING....

5 THE RAIL HAULERS ARE A PERFECT EXAMPLE, I
6 THINK WE'LL LOOK INTO IT, I THINK NOT ONLY AS PART OF THE
7 21ST CENTURY --

8 MR. MONTOYA: RIGHT.

9 CHAIRMAN EATON: -- AS TO THE CONFIGURATION, AS
10 WELL AS OTHER KINDS OF THINGS AS WELL.

11 MR. MONTOYA: THANK YOU.

12 CHAIRMAN EATON: BUT THAT WILL OBVIOUSLY BE
13 SOMETHING THAT AS WE TURN THE CORNER AND GO INTO THE NEXT
14 SORT OF MILLENNIUM OR CENTURY AND THAT, ALL KINDS OF THESE
15 ISSUES WILL RE-ARISE, AND SOME WILL BE TAKEN, YOU KNOW, BACK
16 TO THE GRAVE, SOME WILL RISE FROM THE GRAVE, AND I THINK,
17 YOU KNOW, THAT NONE OF THEM SHOULD BE DISMISSED OUT OF HAND.

18 MR. MONTOYA: IT'LL HELP IF IT CAN RISE ON EASTER
19 SUNDAY, TOO, PROBABLY. THANK YOU.

20 CHAIRMAN EATON: THANK YOU.

21 SENATOR ROBERTI.

22 MEMBER ROBERTI: AS I UNDERSTAND IT, WHAT THE CITY
23 OF L.A. WANTED, SOMETHING THAT

24 MR. MONTOYA TOUCHED ON, WAS TO EDUCATE CITIZENS ON WHAT CAN

1 GO INTO A RECYCLABLE BIN AND WHAT CANNOT. IT WASN'T
2 NECESSARILY ENCOURAGE OR DISCOURAGE DIRTY MURPHYING. AM I
3 RIGHT OR AM I WRONG, OR...?

4 MEMBER JONES: YOU'RE RIGHT.

5 MEMBER ROBERTI: IS THAT RIGHT?

6 MEMBER JONES: YOU'RE RIGHT.

7 MEMBER ROBERTI: BECAUSE AS MR. MONTOYA SORT OF
8 INDICATED, IT WAS GEARED TOWARD SORT OF PUSHING DIRTY
9 MURPHYING, AND I WOULD AGREE WITH HIM THAT -- I MEAN, I
10 DON'T LIKE THE IDEA OF OUR DOING THAT, BUT I DON'T THINK
11 THAT WAS THE POINT, I THINK....

12 MEMBER JONES: YEAH. MR. CHAIRMAN?

13 CHAIRMAN EATON: MR. JONES.

14 MEMBER JONES: I AGREE WITH THE SENATOR. I THINK
15 THAT THE ITEM NOW, DEALING WITH THE EDUCATIONAL SIDE OF IT I
16 CAN SUPPORT. I THINK THAT THE BENEFIT THAT L.A. CITY GOT
17 WITH INCREASING THEIR TONNAGES BY ABOUT 220% BECAUSE THEY
18 WENT TO A COMMINGLED RECYCLING IS IMPORTANT. I MEAN, THAT
19 IS A HUGE NUMBER.

20 AND I THINK THEY MADE IT EASY ENOUGH THAT
21 THEY'VE GOT 120% MORE PARTICIPATION. AND YOU'RE STILL DOING
22 A SORT, YOU'RE STILL MAKING A CHOICE BETWEEN THROWING IT IN
23 A GARBAGE CAN OR THROWING IT INTO A RECYCLING BIN, YOU'RE
24 JUST NOT THROWING IT IN THREE RECYCLING BINS.

CALIFORNIA SHORTHAND REPORTING

1 THE PROBLEM IS PEOPLE ARE CONTAMINATING THAT
2 MATERIAL, AND THIS STUDY, IF WE CAN -- AND I'M PRETTY
3 COMFORTABLE WITH THE SCOPE OF WORK, THERE'S A COUPLE OF
4 THINGS I'D LIKE TO SEE WHEN THEY DO THE SCOPE TO JUST HAVE
5 SOME -- TO HAVE AN OPPORTUNITY TO COMMENT ON IT.

6 BUT I THINK IDENTIFYING THE AREAS, THAT WHERE
7 A ROUTE PICKS UP AND THERE'S A LOT OF CONTAMINATION CAN BE
8 IDENTIFIED RIGHT AWAY AND THEN ADDRESS THAT NEIGHBORHOOD,
9 LET THEM KNOW THE IMPACTS THEY'RE HAVING ON THE PROGRAM,
10 THAT IS GOING TO ADD TO THE INTEGRITY OF THAT PROGRAM
11 QUICKER THAN ANYTHING.

12 AND I THINK IT CAN BE USED -- I THINK THIS
13 KIND OF WORK CAN BE USED IN SACRAMENTO COUNTY, IN THE CITY
14 OF SACRAMENTO, BECAUSE THEY'RE HAVING THE SAME TYPES OF
15 PROBLEMS HERE WITH HIGH LEVELS OF CONTAMINATION AT A MURPH
16 FROM A COMMINGLED RECYCLING PROGRAM AS THEY'RE HAVING IN
17 L.A. SO I THINK THERE'S GOING TO BE SOME VALUE IN WHAT THE
18 OUTCOME OF THIS IS.

19 MEMBER ROBERTI: YEAH, ONE -- I THINK IT'S -- JUST
20 AS A LITTLE ASIDE, ONE OF THE THINGS I'VE LEARNED IN MY
21 LITTLE TRIPS AROUND THE WORLD IS THAT SOMETIMES PEOPLE TRY
22 TO BE TOO GOOD.

23 MEMBER JONES: EXACTLY.

24 MEMBER ROBERTI: AND, FOR EXAMPLE, ON NEWSPAPER

1 RECYCLING, ONE OF THE MAJOR PROBLEMS, IF NOT THE MAJOR
2 PROBLEM, IS THAT THEY PUT EVERYTHING IN THAT THEY THINK IS
3 PAPER, EVEN THOUGH ITS WOOD CONTENT IS LOW OR IT'S GOT ALL
4 KINDS OF ADDITIVES. AND JUST A SMALL EDUCATION WOULD
5 ENLIGHTEN AN AWFUL LOT OF PEOPLE, LIKE, OH, MAYBE NEWSPAPERS
6 MEANS JUST THAT, NEWSPAPERS.

7 MEMBER JONES: RIGHT. ABSOLUTELY. ANYTHING --
8 YOU KNOW, IT'S AMAZING, YOU TELL PEOPLE ANYTHING THAT COMES
9 IN THIS NEWSPAPER CAN BE RECYCLED IN A NEWSPAPER PROGRAM.
10 BUT THAT'S IT. I MEAN, THAT'S THE EXTENT, THAT'S THE LIMIT
11 OF WHAT CAN BE RECYCLED IN THAT PROGRAM, SO.

12 CHAIRMAN EATON: ANY OTHER QUESTIONS, COMMENTS?

13 MEMBER JONES: MR. CHAIRMAN, JUST --

14 CHAIRMAN EATON: MR. JONES.

15 MEMBER JONES: -- ONE QUICK QUESTION ON THE -- NOT
16 EVEN A QUESTION, JUST A STATEMENT. ON THE GARDENING
17 PROGRAM, WHILE WE'RE TALKING ABOUT KIDS IN SCHOOL LEARNING
18 ABOUT COMPOSTING, LEARNING ABOUT THOSE TYPES OF ISSUES, I
19 THINK THAT'S ANOTHER PIECE OF THE EDUCATIONAL PROGRAM THAT'S
20 NECESSARY.

21 WE ARE -- THERE WAS AN ARTICLE IN THE
22 "SACRAMENTO BEE" YESTERDAY ABOUT RECYCLING AND LANDFILL
23 CAPACITY. THERE ARE GOING TO BE MORE AND MORE DISCUSSIONS
24 ABOUT LANDFILL CAPACITY AND THE GLUT OF LANDFILL CAPACITY.

1 THE MORE WE DO TO EDUCATE PEOPLE IN THE BENEFITS OF
2 SUSTAINABILITY, COMPOSTING, RECYCLING, THOSE TYPES OF
3 THINGS, ARE ONLY GOING TO BE OF BENEFIT TO THIS SOCIETY. SO
4 I THINK THAT THIS IS AN APPROPRIATE PLACE, WHENEVER YOU CAN
5 EDUCATE THE KIDS ON THE BENEFIT THAT THEY GET.

6 AND, YOU KNOW, IT'S LIKE THE -- I KNOW IT GOT
7 PULLED, IT'S GOING TO BE DONE OUT OF RMDZ MONEY, BUT THE
8 CAMP ARROYO ENVIRONMENTAL EDUCATION CENTER, I MEAN, THAT'S
9 GOING TO BE ABLE TO -- THAT'S GOING TO BE A SHOWPLACE OF
10 DIFFERENT TYPES OF MATERIALS THAT CAN BE USED IN BUILDING
11 THAT'S GOING TO GO A LONG WAY TOWARDS MAKING PEOPLE AWARE OF
12 JUST HOW MUCH BENEFIT THERE IS. AND IT'S GOOD WE'RE GETTING
13 THAT MONEY OUT OF RMDZ INSTEAD OF THIS MONEY. SO, THEY'VE
14 GOT TO WAIT A COUPLE OF WEEKS, BUT IT MAKES SENSE.

15 MEMBER PENNINGTON: MR. CHAIRMAN.

16 CHAIRMAN EATON: MR. PENNINGTON.

17 MEMBER PENNINGTON: I'M PREPARED TO MAKE A MOTION
18 IF YOU ARE READY.

19 CHAIRMAN EATON: YES, SIR.

20 MEMBER PENNINGTON: OKAY. I'LL MOVE
21 TO FUND THE FOLLOWING PROJECTS: 200,000 TO AUGMENT THE
22 EXISTING MANDATORY INTERAGENCY AGREEMENT WITH THE DEPARTMENT
23 OF FINANCE FOR AUDIT SERVICES; 195,000 TO ENTER INTO AN
24 INTERAGENCY AGREEMENT WITH THE STATE DEPARTMENT OF EDUCATION

1 TO EXPAND THEIR "GARDEN IN EVERY SCHOOL" GRANTS PROGRAM;
2 5,000 TO EXPAND THE BOARD'S PARTICIPATION IN THE CALIFORNIA
3 STATE FAIR; 87,000 FOR AN INTERAGENCY AGREEMENT WITH THE
4 COUNTY OF LOS ANGELES TO IMPLEMENT A PILOT ILLEGAL DUMPING
5 PREVENTION PROGRAM; 175,000 TO ENTER INTO AN INTERAGENCY
6 AGREEMENT WITH THE SAN MATEO COUNTY TO ASSIST IN THE
7 IMPLEMENTATION OF A LOCAL BUY RECYCLING AND WASTE DIVERSION
8 ORDINANCE; 75,000 TO ENTER INTO AN INTERAGENCY AGREEMENT
9 WITH THE CITY OF L.A. TO PERFORM A STUDY AND INITIATE AN
10 EDUCATION CAMPAIGN TO IMPROVE THEIR COMMINGLED COLLECTION
11 SYSTEM; 25,000 TO ENTER INTO AN INTERAGENCY AGREEMENT WITH
12 THE CITY AND COUNTY OF SAN FRANCISCO FOR THE SLUG PROJECT.

13 MEMBER JONES: MR. CHAIRMAN, I'LL SECOND THAT.

14 CHAIRMAN EATON: ALL RIGHTY.

15 MR. PENNINGTON MOVES AND MR. JONES SECONDS THAT WE ADOPT --

16 MEMBER PENNINGTON: I WANT YOU TO KNOW --

17 CHAIRMAN EATON: I'M SORRY.

18 MEMBER PENNINGTON: -- THAT I SPEND MONEY JUST
19 LIKE A LIBERAL.

20 MEMBER ROBERTI: THAT'S WHAT SOME OF THE
21 CONSERVATIVES IN YOUR PARTY HAVE ACCUSED YOU OF.

22 CHAIRMAN EATON: -- THAT WE ADOPT RESOLUTION -- AS
23 IDENTIFIED FOR THE PROJECTS SET FORTH.

24 AND I THANK YOU, MR. PENNINGTON, FOR GOING

1 THROUGH THOSE ONE BY ONE, IT'LL HELP EACH OF US.

2 MADAM SECRETARY, PLEASE CALL THE ROLL.

3 THE SECRETARY: BOARD MEMBERS JONES?

4 MEMBER JONES: AYE.

5 THE SECRETARY: PENNINGTON?

6 MEMBER PENNINGTON: AYE.

7 THE SECRETARY: ROBERTI?

8 MEMBER ROBERTI: AYE.

9 THE SECRETARY: CHAIRMAN EATON?

10 CHAIRMAN EATON: AYE.

11 VI. CONSENT AGENDA

12 CONSIDERATION OF APPROVAL OF CONSENT AGENDA ITEMS

13 CHAIRMAN EATON: NEXT IS THE CONSENT CALENDAR.

14 MEMBER PENNINGTON: MR. CHAIRMAN, I'LL MOVE
15 ADOPTION OF THE CONSENT CALENDAR.

16 CHAIRMAN EATON: OKAY. ONE MOMENT,
17 MR. PENNINGTON.

18 JUST A POINT OF CLARIFICATION, SINCE THE
19 MEETING IS BROKEN UP INTO TWO DAYS, IF YOU REMEMBER THE LAST
20 TIME WE HAD THIS SITUATION ARISE WHERE IN ORDER TO BE ABLE
21 TO ALLOW INDIVIDUALS WHO MAY OR MAY NOT WANT TO COME FORWARD
22 AND COMMENT ON IT, WE CANNOT ADOPT -- WE CANNOT AND SHOULD
23 NOT ADOPT THOSE ITEMS THAT ARE SCHEDULED FOR THE SECOND DAY
24 OF THE BOARD MEETING.

1 THOSE ITEMS -- IF I CAN JUST GO THROUGH WHAT
2 THE CONSENT CALENDAR IS, AND THEN GO THROUGH THE CONSENT
3 CALENDAR FOR EACH DAY THAT WE CAN ADOPT. THE CONSENT
4 CALENDAR AS PROPOSED WOULD BE ITEMS 13, 14(A), 15(A), ITEMS
5 21 THROUGH 28. ITEMS 13, 14(A) AND 15(A) ARE ELIGIBLE FOR
6 TODAY'S CONSENT CALENDAR.

7 SO I WOULD BE WILLING TO --

8 MEMBER PENNINGTON: OKAY. I'LL --

9 CHAIRMAN EATON: -- WITH THAT CAVEAT, GO THROUGH -
10 -

11 MEMBER PENNINGTON: -- AMEND MY MOTION HERE, AND
12 MOVE WE ADOPT A CONSENT CALENDAR CONSISTING OF ITEMS 13,
13 14(A) AND 15(A) .

14 IS THAT CORRECT?

15 CHAIRMAN EATON: THAT'S CORRECT.

16 MEMBER JONES: I'LL SECOND.

17 CHAIRMAN EATON: OKAY. MR. PENNINGTON MOVES AND
18 MR. JONES SECONDS THAT WE ADOPT THE CONSENT CALENDAR
19 CONSISTING OF ITEMS 13, 14(A)
20 AND 15(A) .

21 MADAM SECRETARY, PLEASE CALL THE ROLL.

22 THE SECRETARY: BOARD MEMBERS JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: PENNINGTON?

1 MEMBER PENNINGTON: AYE.

2 THE SECRETARY: ROBERTI?

3 MEMBER ROBERTI: AYE.

4 THE SECRETARY: CHAIRMAN EATON?

5 CHAIRMAN EATON: AYE.

6 VII. NEW BUSINESS AGENDA ITEMS

7 CHAIRMAN EATON: ANOTHER POINT OF INFORMATION,
8 ITEMS NO. 5, 6, 7 AND 8 HAVE BEEN REQUESTED TO BE PULLED
9 FROM TODAY'S AGENDA.

10 MEMBER JONES: WHAT ABOUT 11?

11 CHAIRMAN EATON: ITEM NO. 2 --

12 MEMBER JONES: IS 11 BEING PULLED?

13 CHAIRMAN EATON: I HAVE NOT GOT --

14 MEMBER JONES: MAYBE NOT. OKAY.

15 CHAIRMAN EATON: MR. JONES, YOU MAY
16 BE RIGHT, I'LL GET SOME CLARIFICATION FROM THE STAFF. I'VE
17 GOT TWO DIFFERENT DOCUMENTS, I'VE GOT A DOCUMENT THAT --
18 PERHAPS MS. NAUMAN CAN GO THROUGH --

19 MS. NAUMAN: THE QUESTION WAS ON ITEM
20 NO. 11?

21 MEMBER JONES: YEAH.

22 MS. NAUMAN: THAT ITEM HAS BEEN PULLED, THE
23 APPLICANT ACTUALLY DID NOT DECIDE TO PROCEED WITH THE
24 APPLICATION THROUGH THE LEA.

1 MEMBER JONES: OKAY. SO 11 HAS BEEN PULLED.

2 MS. NAUMAN: IT HAS BEEN PULLED. ACTUALLY, IT
3 WILL NOT COME BACK BEFORE YOU.

4 MEMBER JONES: OKAY.

5 CHAIRMAN EATON: SO ITEMS 5, 6, 7, 8
6 AND 11 ARE NO LONGER....

7 PERMITTING, LEA AND FACILITY COMPLIANCE:

8 AGENDA ITEM 2: CONSIDERATION OF PROGRESS MADE BY INYO
9 COUNTY INTEGRATED WASTE MANAGEMENT AND THE DEPARTMENT OF
10 ENVIRONMENTAL HEALTH SERVICES AS LOCAL ENFORCEMENT AGENCY
11 FOR INYO COUNTY SINCE MARCH 23, 1999

12 CHAIRMAN EATON: ITEM NO. 2.

13 MR. ABOUSHANAB: GOOD MORNING CHAIRMAN EATON AND
14 BOARD MEMBERS, MY NAME IS GABE ABOUSHANAB OF THE LEA
15 EVALUATIONS UNIT. THIS ITEM BEFORE YOU TODAY PRESENTS
16 PROGRESS MADE BY INYO COUNTY INTEGRATED WASTE MANAGEMENT AND
17 LOCAL ENFORCEMENT AGENCY OVERSIGHT SINCE THE MARCH 23RD
18 BOARD MEETING.

19 IF YOU REMEMBER, THE LAST BOARD MEETING IN
20 MARCH OF THIS YEAR THE BOARD CONSIDERED ESSENTIALLY FOUR
21 ITEMS, JURISDICTIONAL COMPLIANCE PROGRESS SINCE THE LEA'S
22 PROBATIONARY STATUS INITIATED IN MARCH OF 1997 AND ITS
23 SUBSEQUENT EXTENSIONS, THE LEA'S PERFORMANCE IN CAUSING
24 PROGRESS TOWARDS COMPLIANCE DURING THE MENTIONED PERIOD, AND

1 OF COURSE, COUNTY REPRESENTATIVE PROPOSALS BEFORE THE BOARD
2 IN MARCH WHICH WERE AIMED AT RESOLVING OUTSTANDING
3 COMPLIANCE TASKS, AND STATUTORY OPTIONS AVAILABLE TO THE
4 BOARD PURSUANT TO PRC SECTIONS 43214, -215, AND -216.5.

5 THESE CONSIDERATIONS RESULTED IN BOARD
6 DECISION TO ASSUME ENFORCEMENT RESPONSIBILITY FROM THE INYO
7 COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH, THE ACTION ON
8 THIS DECISION TO BE EFFECTIVE ON JULY 1ST, 1999. AT THAT
9 TIME BOARD ASKED STAFF TO PROVIDE A JUNE AGENDA ITEM
10 DESCRIBING JURISDICTIONAL COMPLIANCE PROGRESS SINCE MARCH.

11 THE JUNE PROGRESS ITEM TODAY IS DESIGNED TO
12 PROVIDE THE BOARD WITH AN OPPORTUNITY TO MAINTAIN OR MODIFY
13 ITS DECISION IN MARCH OF 1999. THAT'S RESOLUTION 1999-75.

14 IF I MAY DIRECT THE MEMBERS' ATTENTION TO THE
15 ATTACHMENTS FOLLOWING PAGE 2-4, I WILL BEGIN WITH THE TABLES
16 WHICH WERE PROVIDED ESSENTIALLY BACK IN MARCH AND MODIFIED
17 FOR THIS ITEM.

18 YOU WILL NOTICE PAGE ONE IS FOR BISHOP
19 SUNLAND, AND AT THAT TIME WE HAD THE RDSI, THE CLOSURE PLAN,
20 AND THE SOLID WASTE FACILITY PERMIT REVISION WAS RECEIVED IN
21 OCTOBER OF '98. BUT YOU NOTICE THE ASTERISK REFERS TO A
22 LEASE AGREEMENT PENDING. I'M HAPPY TO REPORT TO YOU TODAY
23 THAT SIGNED RELEASE AGREEMENTS BY L.A. DEPARTMENT OF WATER
24 AND POWER EXIST AND HAVE BEEN ACCOMPLISHED FOR BISHOP

1 SUNLAND. SO THAT MEANS BISHOP SUNLAND IS READY AND POISED
2 TO GO BEFORE THE BOARD FOR PERMIT REVISION FAIRLY SOON HERE.

3 SO THIS SITE IS PRETTY MUCH COMPLETE AS FAR AS OUTSTANDING
4 TASKS FOR COMPLIANCE.

5 I WOULD ALSO LIKE TO MENTION THAT THE SIGNED
6 LEASE AGREEMENTS AFFECT TWO OTHER SITES WHICH WE WILL GO
7 INTO LATER, INDEPENDENCE AND LONE PINE WERE ALSO AFFECTED BY
8 THE LEASE AGREEMENT, AND THAT'S BEEN DONE.

9 I WOULD LIKE TO ALSO MENTION THAT THE SITING
10 ELEMENT THAT WAS OUTSTANDING BACK IN FEBRUARY WAS RECEIVED
11 BY BOARD STAFF IN JUNE, IT WAS DUE JUNE 15, AND THAT'S BEEN
12 ACCOMPLISHED TOO FOR INYO COUNTY.

13 IF I MAY DIRECT YOUR ATTENTION TO PAGE TWO,
14 THE LONE PINE LANDFILL. THERE WERE THREE OUTSTANDING ITEMS
15 AND THEY WERE TERMED TO BE DETERMINED AT THE TIME THE AGENDA
16 WAS PUT TOGETHER. THAT WAS THE RDSI, THE CLOSURE PLAN, AND
17 THE DRAFT SOLID WASTE PERMIT. TO DATE THEY HAVEN'T BEEN
18 SUBMITTED TO THE LEA.

19 FOR INDEPENDENCE LANDFILL, ON THE NEXT PAGE,
20 WE HAD AGAIN THREE OUTSTANDING ITEMS, THE RDSI, THE CLOSURE
21 PLAN AND THE REVISED SOLID WASTE FACILITY PERMIT. I'M HAPPY
22 TO REPORT TODAY THAT THE CLOSURE PLAN HAS BEEN SUBMITTED.

23 AND IF WE MOVE TO PAGE FOUR OF THE
24 ATTACHMENTS, THE SHOSHONE LANDFILL, IF YOU RECALL, THE

1 COUNTY ADMINISTRATOR PROPOSED A SCHEDULE AND THE BOARD
2 ACCEPTED IT, AND IT WAS DUE JULY 31ST, AND THAT DATE HAS NOT
3 PASSED SO ESSENTIALLY THERE'S NO NONCOMPLIANCE FOR SHOSHONE.

4 AND SIMILARLY, IF WE GO TO PAGE FIVE FOR THE
5 TECOPA LANDFILL, WE'VE GOT THE RDSI, THE CLOSURE PLAN, AND
6 THE DRAFT REVISED SOLID WASTE FACILITY PERMIT DUE ON JUNE
7 30, 1999, WHICH ESSENTIALLY HASN'T LAPSED YET. SO WE ARE --
8 AGAIN, THEY'RE NOT OUTSTANDING.

9 I WOULD LIKE TO SUMMARIZE BRIEFLY A
10 CONVERSATION WITH THE LEA AS OF YESTERDAY AFTERNOON. AND HE
11 REPORTS TO ME THAT BASED ON CONVERSATIONS BETWEEN HIMSELF
12 AND THE CONSULTANT, INDEPENDENCE, SHOSHONE AND TECOPA
13 OUTSTANDING DOCUMENTS WHICH I JUST DESCRIBED ARE PROMISED TO
14 BE IN THE LEA'S HANDS TOMORROW, ON JUNE 23RD, AND THE LONE
15 PINE OUTSTANDING DOCUMENTS ARE PROMISED TO BE IN THE LEA'S
16 HANDS ON JUNE 28TH.

17 AND THAT ESSENTIALLY CONCLUDES MY DESCRIPTION
18 OF PROGRESS TO DATE. AND I WOULD BE HAPPY TO ANSWER
19 QUESTIONS, OR TURN TO SHARON ANDERSON WHO MAY WANT TO SPEAK,
20 AT YOUR PLEASURE.

21 CHAIRMAN EATON: ANY QUESTIONS?

22 MR. JONES, I KNOW THAT THIS HAS BEEN A LABOR
23 OF LOVE, OR A LOVE OF LABOR.

24 MEMBER JONES: A LOVE OF LABOR.

1 CHAIRMAN EATON: YOU'VE BEEN VERY INVOLVED WITH
2 THIS COUNTY IN TRYING TO BRING THEM INTO COMPLIANCE, AS WELL
3 AS SORT OF, YOU KNOW, WORKING WITH THEM TO SHOW THEM HOW
4 THEY CAN DO THINGS BETTER IN A VERY UNIQUE SITUATION.

5 MEMBER JONES: WELL, MR. CHAIRMAN, I HAVE TO TELL
6 YOU, I'M PLEASED WITH WHAT THE COUNTY'S DONE, BECAUSE WE
7 ACTUALLY GAVE THEM TILL JUNE 30TH, SO AS A WAY THAT -- YOU
8 KNOW, OUR JUNE MEETING IS JUNE 23RD, THEY HAVE ANOTHER SEVEN
9 DAYS TO ACTUALLY GET THESE IN.

10 I'VE TALKED TO MIKE, WHO IS THE
11 P&E PERSON INVOLVED WITH THIS. HE RECEIVED A FAX OF A -- A
12 COPY OF A PERMIT WHICH, CAN'T ACCEPT IT BUT AT LEAST IT'S
13 DONE. I MEAN, THEY'VE GOT TO HARD-MAIL A COPY TO US.

14 I THINK WHAT WE WANTED TO DO HERE WAS GET
15 THIS COUNTY INTO COMPLIANCE. THEY HAD TREMENDOUS OBSTACLES
16 DEALING WITH L.A. POWER AND WATER, TRYING TO GET LEASE
17 AGREEMENTS. THAT'S DONE.

18 THEY'RE IN COMPLIANCE OTHER THAN A LITTER
19 ISSUE AT A PLACE WHERE -- RURAL CALIFORNIA, WHERE THE GUY IN
20 CHARGE WENT ON VACATION, DIDN'T TELL ANYBODY, THEY HAD WIND
21 BLOWING, THEY HAD LITTER, THEY'VE GOT TO GO IN AND CLEAN IT
22 UP. TYPICAL -- NOT TYPICAL, BUT TYPICAL FOR INYO.

23 I THINK WE HAVE TO ACKNOWLEDGE THE FACT THAT
24 THEY'VE DONE WHAT WE ASKED THEM TO DO, TO KEEP THEM ON A

1 COMPLIANCE SCHEDULE. *INAUDIBLE TO HOLD THEIR FEET TO THE
2 FIRE FOR THOSE THREE DOCUMENTS OR NINE DOCUMENTS THAT
3 THEY'VE SAID ARE SUPPOSED TO BE IN, IN TWO DAYS, AND THEN
4 FOUR DAYS.

5 I'M PREPARED TO REMOVE OUR
6 DELEGATION OF -- AS LEA. AND IF THEY DO NOT SHOW UP THEN IT
7 WILL BE -- IF THOSE THINGS DON'T SHOW UP IN FOUR DAYS, WHICH
8 THEY'VE GOT -- THEY HAVE UNTIL THE 30TH TO BE IN COMPLIANCE
9 WITH OUR ORDER -- IF THEY'RE NOT IN BY THE 28TH OR BY
10 THE 30TH, SCHEDULE AN ITEM FOR JULY WHERE WE TAKE OVER
11 EVERYTHING IN THAT COUNTY.

12 BUT I -- I HONESTLY THINK THEY'RE GOING TO BE
13 THERE. THEY FAXED THE COPIES. SO I THINK WE NEED TO REMOVE
14 OUR OVERSIGHT AS LEA AND REESTABLISH THAT JURISDICTION AS
15 THE LEA.

16 MEMBER ROBERTI: SO AGAIN, REFRESH ME, WHAT ARE
17 THEY NOT IN COMPLIANCE WITH?

18 MEMBER JONES: THEY'RE IN COMPLIANCE
19 ON ALL OF THE OPERATIONAL ISSUES. THEY HAD SOME RDSI --
20 THEY HAD SOME PERMIT PAPERWORK THINGS THAT HAD TO BE TURNED
21 IN BY JUNE 30TH. THEY'VE TURNED -- THEY'VE FAXED SOME IN,
22 THEY'VE SAID
23 THAT -- THE CONSULTANT THAT'S DOING IT HAS TOLD THE COUNTY
24 THAT THEY'LL GET DELIVERY ON TWO OF THE SITES --

1 MR. ABOUSHANAB: THREE TOMORROW.

2 MEMBER JONES: THREE OF THE SITES TOMORROW, AND
3 THE REST ON THE 28TH. THEY HAVE UNTIL THE 30TH TO BE IN
4 COMPLIANCE.

5 AS FAR AS THE OPERATIONAL ISSUES
6 THAT -- THEY WERE VERY BROAD. WE'VE BEEN DEALING WITH THIS
7 FOR TWO YEARS. THEY'VE FENCED THE SITES, THEY'VE PUT IN
8 SECURITY, THEY'VE TAKEN CARE OF LITTER, THEY'VE TAKEN CARE
9 OF COVER. THEY WENT OUT AND GOT THE MACHINERY. THEY
10 BROUGHT THE FACILITIES INTO COMPLIANCE WITH THE STATE
11 MINIMUM STANDARDS, WHICH WAS A HUGE UNDERTAKING FOR THEM.

12 MEMBER ROBERTI: AND IF FOR SOME REASON THEY'RE
13 NOT IN COMPLIANCE BY THE 30TH WE CAN RESCHEDULE THE JULY
14 MEETING?

15 MEMBER JONES: ABSOLUTELY.

16 MEMBER ROBERTI: OKAY.

17 CHAIRMAN EATON: THAT WOULD BE THE 27TH I BELIEVE.
18 THAT WOULD BE SUFFICIENT UNDER THE NOTICING PROVISION.

19 MS. ANDERSON: SHARON ANDERSON OF THE LEA SUPPORT
20 SERVICES BRANCH. I'D LIKE TO DIRECT YOUR ATTENTION TO THE
21 RESOLUTION WHICH WE CRAFTED CRAFTILY TO ALLOW FOR
22 FLEXIBILITY IN YOUR DECISION.

23 IF YOU ARE READY TO TAKE A LOOK AND MOVE, YOU
24 WILL SEE ON THE FOURTH "WHEREAS" THAT YOU CAN CHOOSE ONE OR

1 THE OTHER. AND THE FIRST ONE WOULD BE THE DIRECTION THAT
2 YOU SEEM TO BE HEADING.

3 AND THEN THE "NOW THEREFORE BE IT RESOLVED,"
4 THERE ARE THREE SELECTIONS THERE THAT YOU CAN CHOOSE FROM.
5 AND IT APPEARS AS THOUGH THE SECOND ONE MIGHT BE THE ONE
6 APPROPRIATE AT THIS TIME.

7 MEMBER JONES: I'LL LET EVERYBODY READ AND THEN
8 I'LL MAKE A MOTION.

9 MR. CHAIRMAN?

10 CHAIRMAN EATON: MR. JONES, I THINK EVERYONE'S
11 READY TO --

12 MEMBER JONES: OKAY, I'D LIKE TO MOVE RESOLUTION
13 1999-261, AND THE FOURTH "WHEREAS" WOULD BE:

14 "WHEREAS, THE INYO COUNTY LEA HAS BEEN FOUND
15 TO BE IN COMPLIANCE WITH STIPULATIONS AGREED UPON
16 IN THEIR WORK PLAN AND AT THE MARCH 23RD WASTE
17 BOARD MEETING."

18 AND THEN THE: "NOW, THEREFORE, BE IT RESOLVED TO
19 RESCIND CIWMB RESOLUTION 1999-75 AND MONITOR ADDITIONAL
20 PROGRESS OF THE LEA."

21 MEMBER PENNINGTON: DO YOU WANT TO SAY ANYTHING
22 ABOUT THE 30TH OR NOT?

23 MEMBER JONES: I DON'T KNOW IF WE NEED -- I THINK
24 PUT IN -- YEAH -- IN THE RESOLUTION, SO IT WOULD BE "TO

1 RESCIND THE RESOLUTION AND MONITOR ADDITIONAL PROGRESS OF
2 THE LEA DEPENDING UPON," AND THEN:

3 "... BASED ON COMPLIANCE BY JUNE 30TH IF
4 INYO COUNTY HAS NOT COMPLIED THE ITEM WILL COME
5 BACK IN THE JULY MEETING FOR THE BOARD TO TAKE
6 OVER ALL OF THE LEA ACTIVITIES IN INYO COUNTY."

7 CHAIRMAN EATON: YOU GUYS ARE GOING TO MAKE IT
8 HARD FOR ME TO HAVE TO REPEAT THAT, HOLD ON A SECOND AND LET
9 ME SEE IF I CAN'T TRY AND....

10 MEMBER JONES: YOU WANT TO JUST MAKE SURE YOU GET
11 IT WRITTEN DOWN.

12 CHAIRMAN EATON: LET ME -- MR. JONES, IF I COULD
13 JUST ASK YOU FOR THE TIME BEING JUST TO WITHDRAW YOUR MOTION
14 AND LET ME JUST PUT IN A SUBSTITUTE MOTION, IF I MAY?

15 MEMBER JONES: SURE.

16 CHAIRMAN EATON: OKAY. IN THE CLAUSE WHICH READS
17 "WHEREAS, THE INYO COUNTY LEA HAS BEEN FOUND TO," I WOULD
18 HAVE THE FOLLOWING:

19 "BE IN SUBSTANTIAL COMPLIANCE WITH
20 STIPULATIONS AGREED UPON IN THEIR WORK PLAN AND AT
21 THE MARCH 23RD MEETING. THERE REMAIN A FEW
22 OUTSTANDING ISSUES IN ORDER TO BE IN FULL
23 COMPLIANCE BY JUNE 30TH. WE HAVE BEEN ASSURED
24 THAT THOSE ITEMS WILL BE PRESENTED TO THE BOARD BY

1 JUNE 30TH IN ORDER FOR THEM TO BE IN FULL
2 COMPLIANCE. IF THESE ITEMS ARE NOT RECEIVED BY
3 JUNE 30TH THIS ITEM AND THE ISSUE OF COMPLIANCE
4 WILL BE BROUGHT BACK TO THE BOARD AT THE JULY
5 MEETING."

6 MEMBER JONES: OKAY. I'LL SECOND YOUR AMENDED
7 MOTION.

8 CHAIRMAN EATON: OKAY. AND THAT WOULD ALSO
9 INCLUDE --

10 (THE PARTIES SIMULTANEOUSLY SPEAK.)

11 MS. NAUMAN: MR. CHAIRMAN, COULD YOU JUST CLARIFY
12 FOR US WHERE YOU BEGIN THE LANGUAGE THAT'S IN THE RESOLVE
13 CLAUSE? I WAS WITH YOU WITH --

14 CHAIRMAN EATON: I HAVEN'T EVEN GOTTEN TO THE
15 RESOLVE CLAUSE.

16 MS. NAUMAN: ALL RIGHT, THAT ALL GOES IN THE LAST
17 "WHEREAS."

18 CHAIRMAN EATON: WHEREAS.

19 MS. NAUMAN: THANK YOU.

20 CHAIRMAN EATON: THAT'S MAYBE WHY WE COULDN'T FIND
21 IT QUITE YET, BECAUSE IT HADN'T GOTTEN THERE, AND IT ISN'T -
22 - I WAS STILL IN THE "WHEREAS."

23 BUT WITH REGARD TO THE RESOLVED ISSUE, THAT
24 WOULD BE, AS MR. JONES HAD PREVIOUSLY STATED: "RESCIND

1 CIWMB RESOLUTION 1999-75 AND MONITOR ADDITIONAL PROGRESS OF
2 THE LEA."

3 OKAY. MR. EATON MOVES AND
4 MR. JONES --

5 MEMBER ROBERTI: WHAT ABOUT THE RESOLVE CLAUSE --

6 CHAIRMAN EATON: THE RESOLVE CLAUSE IS WHAT MR.
7 JONES HAD MENTIONED, IT WOULD BE SECOND, WHICH IS: "RESCIND
8 CIWMB RESOLUTION 1999-75 AND MONITOR ADDITIONAL PROGRESS OF
9 THE LEA."

10 MR. EATON MOVES AND MR. JONES SECONDS THE
11 ADOPTION OF -- RESOLUTION 1999-261, AS AMENDED, BE ADOPTED.

12 MADAM SECRETARY, PLEASE CALL THE ROLL.

13 THE SECRETARY: BOARD MEMBERS JONES?

14 MEMBER JONES: AYE.

15 THE SECRETARY: PENNINGTON?

16 MEMBER PENNINGTON: AYE.

17 THE SECRETARY: ROBERTI?

18 MEMBER ROBERTI: AYE.

19 THE SECRETARY: CHAIRMAN EATON?

20 CHAIRMAN EATON: AYE.

21 AGENDA ITEM 3: CONSIDERATION OF REVISIONS TO THE
22 REGULATIONS FOR THE STORAGE OF WASTE TIRES

23 CHAIRMAN EATON: MS. NAUMAN, ITEM NO. 3.

24 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, ITEM NO. 3

1 IS CONSIDERATION OF REVISIONS TO THE REGULATIONS FOR THE
2 STORAGE OF WASTE TIRES. LET ME JUST PROVIDE A FEW
3 INTRODUCTORY COMMENTS ABOUT THIS ITEM, AND THEN I'LL ASK
4 BERNIE VLACH ON OUR STAFF TO PRESENT THE ITEM IN MORE
5 DETAIL.

6 THIS ITEM ADDRESSES AN ACTION THAT THIS BOARD
7 TOOK ON JANUARY 29TH OF LAST YEAR. THE INTENT, AND WHAT
8 WE'RE BRINGING FORWARD TO YOU THIS MORNING, IS TO MAKE
9 PERMANENT IN REGULATIONS THE REPEAT OF THREE WASTE TIRE
10 STORAGE EXCLUSIONS THAT WERE REPEALED BY YOUR ACTION IN
11 EMERGENCY REGULATIONS. THOSE EMERGENCY REGULATIONS HAVE
12 BEEN EXTENDED, I THINK, TWICE AND ARE NOW DUE TO EXPIRE IN
13 JULY OF THIS YEAR, I BELIEVE ON THE 1ST, WHICH IS NEXT
14 FRIDAY.

15 WE RECOGNIZE THAT THROUGH THE TIRE REPORT THE
16 BOARD IS EXAMINING A NUMBER OF POTENTIAL CHANGES TO THE TIRE
17 PROGRAM, SOME OF WHICH MAY NECESSITATE REGULATORY ACTION,
18 AND THAT YOU'LL BE TAKING ACTION ON THOSE ITEMS SOMETIME IN
19 THE FUTURE.

20 WE'RE BRINGING THIS TIRE REGULATION ITEM
21 BEFORE YOU TODAY IN ADVANCE OF YOUR CONSIDERATION OF THOSE
22 BROADER RANGE OF ISSUES SIMPLY DUE TO TIMING.

23 IF YOU CHOOSE TO APPROVE SUBMITTAL OF THIS
24 PACKAGE TO THE OFFICE OF ADMINISTRATIVE LAW THE REPEAL OF

1 THE EXCLUSIONS WILL REMAIN IN PLACE. ON THE OTHER HAND, IF
2 YOU CHOOSE NOT TO REMOVE THE -- EXCUSE ME, NOT TO MOVE THE
3 PACKAGE FORWARD AND WERE UNABLE TO GET ANOTHER EXTENSION OF
4 THE EMERGENCY REGULATIONS, THE THREE REPEALED EXCLUSIONS
5 WILL AUTOMATICALLY BECOME OPERATIVE AGAIN ON JULY 1ST, WHICH
6 WE BELIEVE IS AN UNDESIRABLE SITUATION.

7 SO, THAT KIND OF GIVES YOU THE CONTEXT OF WHY
8 WE'RE HERE. AGAIN, IT'S FOR TIMING REASONS ONLY, WE ARE NOT
9 TRYING TO GET AHEAD OF THE TIRE REPORT. OBVIOUSLY THIS
10 PACKAGE IS BEFORE YOU FOR, YOU KNOW, YOUR MODIFICATION IF
11 YOU SO CHOOSE. BUT, FROM A STAFF PERSPECTIVE, WE'RE
12 LIMITING OUR RECOMMENDATION TO YOU THIS MORNING JUST TO THE
13 EXCLUSIONS THAT HAVE BEEN REPEALED.

14 SO, WITH THAT, I'D LIKE TO ASK BERNIE IF HE
15 WILL GO AHEAD AND GIVE YOU AN EXPLANATION OF WHAT THOSE
16 ITEMS ARE THAT WE'RE ADDRESSING THIS MORNING.

17 MR. VLACH: GOOD MORNING, MR. CHAIRMAN AND MEMBERS
18 OF THE BOARD. MY NAME IS BERNIE VLACH, REPRESENTING THE
19 BOARD'S PERMITTING AND ENFORCEMENT DIVISION.

20 AS MS. NAUMAN MENTIONED, THE EXCLUSIONS --
21 THE ACTION OF THE BOARD WAS TAKEN IN JANUARY OF 1998. THE
22 REASON THE BOARD TOOK THE EMERGENCY ACTION WAS THE INCREASED
23 USE OF CERTAIN EXCLUSIONS FOR STOCKPILING WASTE TIRES TO
24 AVOID PERMIT REQUIREMENTS, FINANCIAL ASSURANCE, AND STORAGE

1 STANDARDS. THIS RESULTED IN SOME DOCUMENTED CASES OF
2 ENVIRONMENTAL PROBLEMS IN THE STATE.

3 ONCE THE EXCLUSIONS WERE ISSUED THEY WERE
4 VERY DIFFICULT TO REVOKE, IT INVOLVED COUNTING SPECIFIC
5 TIRES AT FACILITIES, KNOWING WHEN CERTAIN TIRES CAME IN, AND
6 WHEN CERTAIN TIRES LEFT. IT WAS VIRTUALLY IMPOSSIBLE.

7 ON JUNE 16TH, 1998, THE GENERAL EXCLUSION AND
8 THE INDOOR STORAGE EXCLUSION WERE REPEALED FROM REGULATION.

9 AND THE RECYCLING BUSINESS EXCLUSION WAS AMENDED TO
10 RESTRICT ITS APPLICABILITY TO TIRE RETREADERS, AND THIS WAS
11 AS AUTHORIZED BY STATUTE.

12 THE EMERGENCY ACTION OF THE BOARD LAST
13 JANUARY AFFECTED 65 WASTE TIRE FACILITIES. THEY WERE
14 NOTIFIED OF THE CHANGE AND THEY WERE TOLD TO EITHER OBTAIN A
15 PERMIT OR TO REDUCE THE NUMBER OF TIRES TO BELOW 500. SINCE
16 THAT TIME ALL BUT 17 OF THE FACILITIES HAVE COMPLIED, AND
17 STAFF IS WORKING WITH THE OPERATORS USING AVAILABLE
18 ENFORCEMENT TOOLS TO TRY TO BRING THEM IN COMPLIANCE.

19 BECAUSE OF STAFF'S CONCERN THAT THE EMERGENCY
20 REGULATIONS MAY EXPIRE, STAFF RECOMMENDS ADOPTION OF
21 RESOLUTION 1999-278, AUTHORIZING FINAL REGULATIONS
22 CONCERNING THE EXCLUSIONS FROM PERMITTING AND OPERATIONAL
23 REQUIREMENTS FOR WASTE TIRE FACILITIES.

24 AND THIS CONCLUDES STAFF'S PRESENTATION, AND

1 JULIE AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU
2 MAY HAVE.

3 CHAIRMAN EATON: ANY QUESTIONS FOR
4 MS. NAUMAN OR MR. VLACH?

5 MEMBER JONES: MR. CHAIRMAN?

6 CHAIRMAN EATON: MR. JONES.

7 MEMBER JONES: DO YOU HAVE SPEAKERS ON THEIR SIDE?

8 CHAIRMAN EATON: YES, WE HAVE SEVERAL SPEAKERS.

9 MEMBER JONES: OKAY, NEVER MIND THEN, I'LL HOLD.

10 CHAIRMAN EATON: I'D JUST LIKE TO ASK ONE
11 PROCEDURAL QUESTION. WHAT IS THE PROCESS FOR SEEKING
12 APPROVAL OF THE EMERGENCY REGULATIONS? YOU MENTIONED IN
13 YOUR PRELIMINARY REMARKS THAT THERE IS AN APPROVAL PROCESS,
14 AND SO IF YOU CAN GIVE ME THE TIMING OF THAT, AND WHO MAKES
15 THAT DECISION.

16 MS. NAUMAN: ACTUALLY, I THINK I'LL DEFER TO MR.
17 BLOCK, IF HE WILL, ON THE ACTUAL OFFICE OF ADMINISTRATIVE
18 LAW PROCEDURES.

19 CHAIRMAN EATON: WE HAD TWO OF THEM HERE AND BOTH
20 OF THEM LOOKED IN FEAR, SO I WENT TO THE FAR LEFT. OKAY, I
21 JUST WANTED TO MAKE SURE THAT THAT WAS....

22 MR. BLOCK: EMERGENCY REGULATIONS ARE -- ONCE
23 THEY'RE ADOPTED BY THE BOARD ARE SUBMITTED TO THE OFFICE OF
24 ADMINISTRATIVE LAW. THEY HAVE 10 CALENDAR DAYS TO APPROVE

1 OR DISAPPROVE THOSE, AS OPPOSED TO THE 30 WORKING DAYS WITH
2 A NORMAL PACKAGE.

3 ONCE APPROVED THEY'RE VALID FOR 120 DAYS.
4 AND THEN ACTUALLY THERE ISN'T A, QUOTE/UNQUOTE, "EXTENSION
5 PROCEDURE," IF YOU WILL. WHAT OAL ACTUALLY MAKES US DO IS
6 RESUBMIT EVERY TIME. WE USUALLY REFER TO IT AS AN
7 EXTENSION, THEY ALWAYS REMINDED US THAT'S NOT WHAT IT'S
8 CALLED.

9 THERE ISN'T ANY -- ESSENTIALLY THEY'RE
10 REVIEWING THEM BRAND-NEW, AS IF THERE'S STILL A NEED FOR THE
11 EMERGENCY, SO THE POTENTIAL PROBLEM IF YOU ASK FOR A NUMBER
12 OF EMERGENCIES IS THAT THEY MAY SAY, WELL, IF IT WAS SUCH AN
13 EMERGENCY, YOU KNOW, WHY HAS THIS TAKEN SO LONG.

14 TYPICALLY WHAT THEY HAVE DONE IN THE PAST IS
15 THEY WILL LOOK TO SEE WHETHER, IN OUR CASE, THE BOARD HAS
16 BEEN MAKING PROGRESS TOWARDS MAKING THOSE REGULATIONS
17 PERMANENT, AND IF THEY SEE SOME PROGRESS, REGULATORY ACTION
18 BEING TAKEN, AND THERE'S JUST OTHER DELAYS THAT ARE SLOWING
19 IT DOWN, THEY TYPICALLY WILL DEFER TO THE AGENCIES, OUR
20 BOARD'S JUDGMENT AS TO WHETHER THE EMERGENCIES ARE STILL
21 APPROPRIATE.

22 CHAIRMAN EATON: THANK YOU.

23 MEMBER JONES: I DO HAVE A QUESTION FOR ELLIOT,
24 MR. CHAIRMAN.

1 CHAIRMAN EATON: MR. JONES.

2 MEMBER JONES: THESE EMERGENCY REGS,
3 ONE OF THE OUTCOMES IN THE ITEM WERE THAT THERE WERE 17
4 FACILITIES THAT WERE STILL UNDER SOME FORM OF ENFORCEMENT
5 ACTION, AND I'M ASSUMING, AS I HEARD FROM STAFF, THOSE ARE
6 USED TIRE DEALERS THAT ARE IN THAT POSITION. RIGHT?

7 MALE VOICE: SOME OF THEM.

8 MEMBER JONES: SOME OF THEM.

9 AND THESE EMERGENCY REGS WHICH ARE GOING TO
10 PRECEDE WHAT OUR AB 117 PROGRAM IS DOING, WE HAVE A
11 DEFINITION OF WASTE TIRES, WE HAVE TWO DEFINITIONS OF WASTE
12 TIRES, ONE INCLUDES USED TIRES, ONE DOESN'T.

13 WHAT DO WE DO TO THIS PACKET IF WE INCLUDE
14 THE LANGUAGE FOR A DEFINITION OF A WASTE TIRE THAT'S IN OUR
15 AB 117 DEFINITIONS? WHICH MEANS -- WHICH SAYS:

16 "A WASTE TIRE MEANS A TIRE THAT'S NO LONGER
17 MOUNTED ON A VEHICLE AND IS NO LONGER SUITABLE FOR
18 USE ON A HIGHWAY DUE TO WEAR, DAMAGE, DEFECT OR
19 DEVIATION FROM THE MANUFACTURER'S ORIGINAL
20 SPECIFICATIONS. WASTE TIRES INCLUDE REPAIRABLE
21 TIRES, SCRAP TIRES AND USED TIRES NOT STORED IN
22 COMPLIANCE WITH STATE MINIMUM STANDARDS APPLICABLE
23 TO USED TIRES AND ALTERED TIRES. WASTE TIRES DO
24 NOT INCLUDE USED TIRES, TIRE-DERIVED PRODUCTS, OR

1 GRANULATED RUBBER."

2 TO INCLUDE THAT DEFINITION IN THESE EMERGENCY
3 REGS, SINCE THEY'RE NOT CONTINUATIONS, SINCE THEY ARE NOT
4 EXTENSIONS -- WOULD WE HAVE THE OPPORTUNITY TO INCLUDE THESE
5 SINCE THESE WOULD GET LOOKED AT FRESH EACH TIME?

6 MR. BLOCK: ALL RIGHT, I SEE.

7 MEMBER JONES: BECAUSE MY PROBLEM IS WE HAVE 17
8 PEOPLE THAT ARE OUT OF COMPLIANCE. IF WE GO THROUGH OUR AB
9 117 WORK WE'RE -- THOSE PEOPLE AREN'T GOING TO BE OUT OF
10 COMPLIANCE.

11 SO, WHY NOT DEAL WITH IT IN THESE REGS, IF
12 IT'S NOT AN ENFORCEMENT ISSUE? AND WHEN I GOT BRIEFED WITH
13 P&E STAFF, BERNIE AND EVERYBODY ENSURED ME THAT THIS SHOULD
14 NOT BE -- THIS SHOULD NOT ADD TO AN ENFORCEMENT PROBLEM,
15 BECAUSE IF IT DID THEN I WOULD HAVE A DIFFERENT VIEW. BUT
16 IF IT DOESN'T THEN BUREAUCRATICALLY, IF WE'RE GOING TO
17 CHANGE THIS IN SIX MONTHS OR A YEAR, WHY PUT THEM THROUGH
18 THE IDEA OF HAVING TO PUT UP CLOSURE, POST-CLOSURE FUNDING
19 NOW, WHEN IN SIX MONTHS THEY'RE GOING TO BE LEGAL. IT
20 DOESN'T MAKE ANY SENSE TO ME.

21 BUT, I'D LIKE TO KNOW IF WE CAN INCLUDE THAT
22 DEFINITION.

23 MR. CHANDLER: WELL, LET ME SPEAK TO THAT IN ONE
24 REGARD. I CERTAINLY THINK THE BOARD HAS THE PREROGATIVE, IN

1 THIS SETTING, TO EXAMINE YOUR ISSUE.

2 MY CONCERN IS, IS THAT I WAS HANDED TODAY
3 PROPOSED CHANGES TO THE MAY 25TH, 1999, VERSION OF THE FINAL
4 AB 117 REPORT. AND AS YOU JUST READ OFF YOUR DEFINITION,
5 IT'S NOT CONSISTENT WITH WHAT WE'RE GOING TO BE TAKING UP
6 SHORTLY WITH REGARD TO THE DEFINITION OF A WASTE TIRE.

7 AND MY ISSUE IS, IS THAT THERE HAS BEEN SO
8 MUCH CONCERN OVER WHAT IS THE APPROPRIATE DEFINITION OF A
9 WASTE TIRE AND HOW IT READS, THAT BEFORE WE GET TO YOUR
10 SPECIFIC QUESTION OF HOW WOULD THESE REGULATIONS BE
11 IMPACTED, IF YOU WILL, BY CHANGING THE DEFINITION -- SO I
12 THINK I'M WITH YOU ON WHERE YOU WANT TO GO, I'M CONCERNED
13 THAT THE TRANSCRIPT'S GOING TO SHOW A DEFINITION THAT YOU
14 JUST ASKED US TO CONSIDER THAT IS NOT CONSISTENT WITH THE
15 DEFINITION THAT THIS BOARD IS GOING TO BE ASKED TO TAKE UP
16 SHORTLY WHEN IT REVIEWS THE TIRE REPORT.

17 FOR EXAMPLE, THE PHRASE "USED TIRE" I SEE IS
18 STRUCK. AS WASTE TIRES INCLUDE REPAIRABLE TIRES, SCRAP
19 TIRES AND ALTERED WASTE TIRES, WASTE TIRES DO NOT INCLUDE
20 USED TIRES.

21 SO MY ONLY POINT IS, IS THAT THIS BUSINESS
22 ABOUT WHAT IS A WASTE TIRE, WHAT'S A USED TIRE -- WE'VE GOT
23 TO GET THE DEFINITION CLEAR FOR EVERYBODY OUT THERE IN THE
24 AUDIENCE TODAY THAT IS TRYING TO DEAL WITH THIS ISSUE. AND

1 I WANT THE DEFINITION TO BE VERY CLEAR, AS WE HAVE THIS
2 DISCUSSION THAT YOU'RE RASING TODAY, MR. JONES, BECAUSE THAT
3 REALLY DOES GET TO THE HEART OF YOUR POINT, WHICH IS CAN WE
4 USE THIS EMERGENCY REGULATORY PROCESS AS A WAY IN WHICH WE
5 CAN DEAL WITH THE APPROPRIATE INCLUSION OF WHAT CONSTITUTES
6 THE DEFINITION OF A WASTE TIRE. AND I SEE THAT IT'S
7 SOMEWHAT ALTERED FROM WHAT YOU JUST READ.

8 MEMBER JONES: SO THE FACT THAT USED TIRES ARE NOT
9 INCLUDED IN THE DEFINITION OF A WASTE TIRE -- IT SAYS "WASTE
10 TIRES INCLUDE REPAIRABLE TIRES, SCRAP TIRES AND ALTERED
11 WASTE TIRES," THEN WASTE TIRES IS NOT A WASTE TIRE BY THIS
12 DEFINITION. "WASTE TIRES DO NOT INCLUDE TIRE-DERIVED
13 PRODUCTS OR CRUMB RUBBER OR PROPERLY STORED AS DEFINED USED
14 TIRES."

15 SO THAT WOULD -- OKAY, I DIDN'T SEE THIS
16 DEFINITION. AND SO THIS IS ESSENTIALLY EXACTLY -- PRETTY
17 CLOSE TO THE SAME, SO.

18 THIS IS SOME HANDOUT THAT THEY
19 JUST --

20 CHAIRMAN EATON: -- MASTER OF THE ADJECTIVES,
21 EXACTLY, PRETTY CLOSE.

22 MEMBER JONES: EXACTLY, PRETTY CLOSE. WELL, IT'S
23 MY GARBAGE MAN MENTALITY, YOU KNOW, I JUST SAY IT IN
24 ENGLISH.

1 CHAIRMAN EATON: I'M GOING TO GIVE YOU MORE
2 EITHER/ORS.

3 MR. CHANDLER: AGAIN, I THINK YOUR QUESTION IS, IS
4 DO WE USE THIS REGULATORY PROCESS AROUND THE EMERGENCY REGS
5 IN MAKING A MODIFICATION TO -- ENSURING WE DON'T LOSE OUR
6 REVOCATION OF THE EXCLUSIONS OR EXEMPTIONS TO BE ADDED TO,
7 IF YOU WILL, TODAY IN DISCUSSING WHAT'S THE APPROPRIATE
8 DEFINITION OF A WASTE TIRE. AND I JUST WAS CONCERNED THAT
9 YOU READ INTO THE TRANSCRIPT A DEFINITION THAT I BELIEVE IN
10 A FUTURE AGENDA ITEM, WHEN WE DISCUSS THE WASTE TIRE REPORT
11 IT IS GOING TO BE ASKED THAT YOU CONSIDER AS A BOARD TO
12 MODIFY THAT DEFINITION TO INCLUDE THIS LANGUAGE. SO LET'S
13 JUST MAKE SURE WE'RE ALL CLEAR ON WHAT LANGUAGE WE MIGHT
14 WANT TO INCLUDE INTO THESE EMERGENCY REGULATIONS.

15 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS --

16 CHAIRMAN EATON: SENATOR ROBERTI I BELIEVE HAD A
17 COMMENT, IF I'M NOT MISTAKEN.

18 MEMBER ROBERTI: WELL, YEAH, I WOULD LIKE TO HAVE
19 ADDED THREE POINTS FOR CONSIDERATION FOR REGULATIONS WHEN
20 STAFF RETURNS TO US AS TO WHETHER THE BOARD WANTS TO ADOPT
21 THEM OR NOT.

22 NUMBER ONE, YESTERDAY WHEN I WAS IN GRIDLEY,
23 ONE OF THE CONCERNS THAT SEEMED TO BE REPRESENTED TO ME BY
24 THE PEOPLE CONCERNED WAS THAT IT'S -- ONE OF THE EXPENSES,

1 OVER-ARCHING EXPENSES FOR LEVEE CONSTRUCTION IS THERE'S NO
2 PLACE TO KEEP ON SITE CRUMB RUBBER AND, THEREFORE, EVERY DAY
3 EVERY HAUL HAS TO BE RE-HAULED IN WITHOUT STORAGE NO SITE,
4 WHICH BECOMES A VERY GREAT BOTH HAULING AND TRANSPORTATION
5 EXPENSE.

6 SO, IF WE CAN HAVE SOME KIND OF REGULATION
7 WHICH MAKES A PERMIT FOR THE STORAGE OF CRUMB RUBBER ON SITE
8 FOR CONSTRUCTION PROJECTS, AT LEAST SOMETHING FOR US TO
9 DISCUSS, I THINK WOULD BE VERY IMPORTANT. THAT'S NUMBER
10 ONE.

11 NUMBER TWO, ON TWO OTHER ITEMS, I AM TOLD BY
12 MY STAFF THAT TO THE EXTENT THAT SOME COMPANIES HAVE TRUST
13 FUNDS, THOSE TRUST FUNDS DO NOT -- ARE NOT - IT IS NOT
14 CLEARLY INDICATED THAT THE TRUST FUND HAS TO COVER THE
15 EXPENSES OF ALL THE TIRES ON SITE, AND THAT NEEDS SOME
16 CLARIFICATION THAT THAT BE THE CASE.

17 AND NUMBER THREE, TO THE EXTENT THAT SOME
18 COMPANIES HAVE INSURANCE, THERE APPEARS TO BE A PROBLEM THAT
19 WE AREN'T ABLE TO OBTAIN THE INSURANCE AHEAD OF TIME, BUT WE
20 HAVE TO WAIT UNTIL THE PROJECT IS FINISHED AND, THEREFORE,
21 WE END UP EXPENDING OUR MONEY RATHER THAN THE INSURANCE
22 COMPANY SPENDING ITS, AND THAT'S SOMETHING ELSE THAT I THINK
23 OUGHT TO BE CLARIFIED IN REGULATIONS.

24 CHAIRMAN EATON: INSURANCE IN THE SENSE OF THE

1 PURCHASE OF A POLICY --

2 MEMBER ROBERTI: THE CLEANUP.

3 CHAIRMAN EATON: CLEANUP.

4 MEMBER ROBERTI: YEAH, PURCHASE OF THE POLICY BY
5 THE PERSON WHO'S HOLDING THE TIRES.

6 CHAIRMAN EATON: GOTCHA.

7 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, WITH
8 RESPECT TO THE ITEMS THAT THE SENATOR HAS RAISED.

9 THE FIRST ONE THAT HAS TO DEAL WITH THE
10 STORAGE OF THE CRUMB RUBBER WHILE THE PROJECT IS BEING DONE,
11 I BELIEVE THAT IT'S THE INTENT OF THE DEFINITION THAT MR.
12 CHANDLER READ YOU, THAT IS CONTAINED IN THE LATEST DRAFT OF
13 THE TIRE REPORT THAT YOU'RE GOING TO BE TAKING UP IN A
14 LITTLE WHILE ON WASTE TIRE, SPECIFICALLY EXCLUDES CRUMB
15 RUBBER. SO I THINK THE INTENT WAS TO EXCLUDE ANY WHAT WE'RE
16 CALLING PRODUCT FROM THE NEED FOR A PERMIT. SO THAT IF YOU
17 ARE UTILIZING THAT PRODUCT IN AN ENGINEERING PROJECT, SUCH
18 AS THE LEVEE PROJECT IN GRIDLEY, YOU WOULD NOT NEED TO HAVE
19 A STORAGE PERMIT UNDER THE PROPOSED DEFINITION OF WASTE
20 TIRE.

21 WITH RESPECT TO THE --

22 CHAIRMAN EATON: THAT WOULD REQUIRE A STATUTORY
23 CHANGE, THOUGH, WOULDN'T IT, AS A RESULT OF THE TIRE REPORT
24 BEING APPROVED?

1 MS. NAUMAN: WELL, I THINK YOU'RE ATTEMPTING TO
2 AFFECT IT THROUGH A REGULATORY CHANGE IN THE DEFINITION OF
3 WASTE TIRE, IS MY UNDERSTANDING. MAYBE FITZ CAN HELP US,
4 BUT I THINK THAT WAS THE INTENT.

5 CHAIRMAN EATON: I JUST WANT TO MAKE SURE, BECAUSE
6 I THINK YOUR COMMENT WAS IF THE REGULATIONS COME BACK YOU
7 WANTED TO BE ASSURED. BUT IS THERE A GAP IN BETWEEN THAT
8 TIME --

9 MEMBER ROBERTI: ABSOLUTELY, YEAH.

10 CHAIRMAN EATON: AND I JUST WANT SOME
11 CLARIFICATION THERE SO THAT -- THE TIRE REPORT MAY TAKE IT,
12 BUT BECAUSE THE TIRE REPORT BEING APPROVED BY US AND BEING
13 SENT TO THE APPROPRIATE BODIES, EVEN IF THEY AGREE WITH THE
14 REPORT IT'S NOT LAW IN AND OF ITSELF, IT IS SIMPLY A REPORT.
15 SO I JUST WANT TO KIND OF MAKE SURE, IN CASE THESE
16 REGULATIONS COME BACK, THAT THE THREE ITEMS WERE THERE ARE
17 APPROPRIATE. SO, I MEAN --

18 MS. NAUMAN: YEAH, RIGHT. IF WE WERE TO PURSUE
19 MR. JONES' INTEREST IN PERHAPS DOING SOMETHING WITH THIS
20 PACKAGE, USING THIS AS THE VEHICLE TO CHANGE THE DEFINITION
21 OF WASTE TIRE, IT COULD ALSO ACCOMMODATE THE SENATOR'S
22 CONCERN.

23 WITH RESPECT TO THE TRUST FUND, JUST KIND OF
24 FOR CLARIFICATION, THE WAY IT WORKS IS THAT THE -- THE TRUST

1 FUND IS FUNDED OVER, I BELIEVE, A FIVE-YEAR PERIOD, 20% OF
2 THE AMOUNT OF THE TRUST FUND IS REQUIRED TO BE DEPOSITED ON
3 AN ANNUAL BASIS. SO, IT DOES NOT NECESSARILY TRACK WITH THE
4 NUMBER OF TIRES THAT ARE BEING ACCUMULATED OVER THAT PERIOD
5 OF TIME. YOU COULD ACCUMULATE 100% OF THE NUMBER OF TIRES
6 THAT ARE PERMITTED UNDER YOUR PERMIT, AND YET ONLY HAVE 20%
7 OR 40%, ETC., OF THE AMOUNT OF INSURANCE THAT NEEDS TO BE IN
8 THE TRUST FUND. SO THAT'S THE SENSE OF WHAT HIS CONCERN IS.

9 AND THE -- I THINK THE INSURANCE THING IS
10 SOMEWHAT SELF-EXPLANATORY.

11 CHAIRMAN EATON: WE HAVE IN THE PAST, THOUGH,
12 HAVEN'T WE, WITH REGARD TO THE TRUST FUND, REQUIRED AN
13 APPLICANT -- IF I'M NOT MISTAKEN, A COUPLE OF MONTHS AGO --

14 MS. NAUMAN: YES.

15 CHAIRMAN EATON: -- THAT HE OR SHE MUST PUT UP
16 EITHER THE FULL AMOUNT OR IF IT WAS, YOU KNOW, 20,000 FOR --

17 MS. NAUMAN: YES.

18 CHAIRMAN EATON: -- 20,000 TIRES OR SOMETHING? SO
19 I DON'T KNOW --

20 MS. NAUMAN: MR. CHAIRMAN --

21 CHAIRMAN EATON: -- IF THERE'S FLEXIBILITY THAT
22 CAN BE --

23 MS. NAUMAN: YEAH.

24 CHAIRMAN EATON: -- BUILT IN THERE, OR SOMETHING

1 TO ACCOMPLISH THE SAME GOAL.

2 MS. NAUMAN: YOU DID IN ONE INSTANCE THAT I'M
3 FAMILIAR WITH DO PRECISELY THAT, WITH A CRUMB RUBBER
4 OPERATION. AND I REMEMBER MR. JONES CRAFTING THAT SO YOU
5 HAD A KIND OF A SLIDING SCALE, AS THE NUMBER OF TIRES
6 ACCUMULATED INCREASED THEN THE CONTRIBUTION TO THE TRUST
7 FUND INCREASED ACCORDINGLY. AND WE CRAFTED THAT FOR THAT
8 PARTICULAR PERMIT.

9 CHAIRMAN EATON: LET ME ASK A QUESTION WITH REGARD
10 TO THE PROPOSED CHANGE IN THE DEFINITION. IS THERE
11 CURRENTLY A DEFINITION OF STATUTE, MR. BLOCK?

12 MR. BLOCK: OF WASTE TIRES?

13 CHAIRMAN EATON: UM-HUM.

14 MR. BLOCK: YES.

15 CHAIRMAN EATON: AND SO THIS REGULATION, OR CHANGE
16 IN DEFINITION WOULD SUPERSEDE THE STATUTE?

17 MR. BLOCK: NO.

18 CHAIRMAN EATON: OR, I MEAN -- SO I JUST WANT TO
19 BE CLEAR HERE THAT IF WE -- YOU KNOW, BUT I DON'T WANT THE
20 PUBLIC OR ANY OF US TO BE --

21 MR. BLOCK: RIGHT.

22 CHAIRMAN EATON: -- IN A SITUATION WHEREIN WE PASS
23 A REGULATION, WE THINK IT'S THE LAW, AND THERE'S A STATUTE
24 THAT SUPERSEDES IT OR PREEMPTS IT. SO WHAT IS THE CONTEXT

1 BY WHICH THIS WOULD ARISE, AND THE PARAMETERS BY WHICH WE AS
2 A BOARD CAN ACT WITHIN THAT?

3 MR. BLOCK: BASICALLY THE STATUTE PREVAILS OVER
4 REGULATIONS. THE BOARD OR ANY OTHER STATE AGENCY THAT'S
5 AUTHORIZED TO DO REGULATIONS CANNOT ADOPT REGULATIONS THAT
6 CONFLICT WITH STATUTE. HOWEVER, THEY ARE AUTHORIZED TO
7 IMPLEMENT THOSE STATUTES WHICH WOULD INCLUDE MAKING THE
8 STATUTES MORE SPECIFIC, FOR INSTANCE, AS LONG AS THEY DON'T
9 CONFLICT WITH THE OVERALL DEFINITION.

10 SO THE QUESTION, FOR INSTANCE, THAT WAS
11 RAISED BEFORE IN TERMS OF DEFINING CRUMB RUBBER AS NOT BEING
12 WASTE TIRE, AS LONG AS THAT DOESN'T CONFLICT WITH THE
13 STATUTORY DEFINITIONS THE BOARD COULD MAKE THE REGULATORY
14 DEFINITION MORE SPECIFIC IF, IN FACT, THAT WAS CONSISTENT.
15 AND THE INFORMATION THAT I HAVE IS THAT THAT TYPE OF
16 DEFINITION WOULD NOT CONFLICT WITH THE STATUTE OUTRIGHT.

17 ONE OTHER POINT I DO NEED TO MAKE I THINK, IN
18 TERMS OF SOME OF THE TERMS THAT HAVE BEEN MENTIONED HERE, IN
19 TERMS OF PERHAPS ADDING THE DEFINITION OF WASTE TIRE, THE
20 ONE THAT WAS READ TO THE REGULATIONS, THERE ARE A NUMBER OF
21 TERMS THAT ARE REFERENCED IN THE PROPOSED DEFINITION THAT
22 WOULD PROBABLY THEN ALSO NEED TO BE DEFINED IN THESE
23 REGULATIONS.

24 FOR INSTANCE, THERE IS NO DEFINITION OF CRUMB

1 RUBBER IN THE REGULATIONS, SO IT WOULD HAVE TO NOT JUST BE
2 REFERENCED IN THE DEFINITION OF WASTE TIRE BUT YOU NEED TO
3 ACTUALLY DEFINE CRUMB RUBBER, OTHERWISE WE'D BE BACK TO
4 HAVING AN ARGUMENT AS TO, YOU KNOW, WHAT WE MEAN BY CRUMB
5 RUBBER.

6 BUT, AGAIN, AS LONG AS THOSE DON'T CONFLICT
7 WITH STATUTE YOU COULD DO THAT.

8 CHAIRMAN EATON: MR. PENNINGTON.

9 MEMBER PENNINGTON: MR. CHAIRMAN, I DO HAVE A
10 LITTLE PROBLEM WITH THE DEFINITION OF WASTE TIRES, AND THAT
11 IS THE ALTERED WASTE TIRE.

12 (THE MEMBERS CONFER SIDE BAR.)

13 MEMBER JONES: RIGHT, THAT THOSE ARE ALL WASTE
14 TIRES.

15 (THE MEMBERS CONFER SIDE BAR.)

16 CHAIRMAN EATON: LET'S PERHAPS HEAR FROM THE
17 PUBLIC WHILE WE'RE WAITING, WHILE YOU TWO GENTLEMEN ARE
18 LOOKING THROUGH ITEMS.

19 FIRST AND FOREMOST, I HAVE BOB WINTERS FROM
20 ATLAS RUBBER.

21 MR. WINTERS: GOOD MORNING --

22 CHAIRMAN EATON: GOOD MORNING.

23 MR. WINTERS: -- MR. CHAIRMAN, MEMBERS OF THE
24 BOARD.

1 WE ARE FACED WITH, IN THE CRUMB RUBBER
2 INDUSTRY -- AND I SAY CRUMB RUBBER BECAUSE EVERYBODY HAS
3 COME TO CALL GROUND, GRANULATED, CRACKED RUBBER AS CRUMB
4 RUBBER. CRUMB RUBBER PAINTS A PICTURE OF A -- TO ME OF A
5 COFFEE CAN AND YOU POUR OUT THE MATERIAL AND IT FLOWS, IT'S
6 A QUARTER INCH, AS I UNDERSTAND IT, OR FINER.

7 NOW, CONTRARY TO WHAT MR. BLOCK INDICATED
8 EARLIER, THERE IS A DEFINITION, I'M TOLD, OF CRUMB RUBBER IN
9 THE REGULATIONS. AND THAT'S QUARTER-INCH OR FINER. IS THAT
10 NOT TRUE?

11 MS. SMALL: (PRESUMED). WITHIN THE REGULATIONS
12 THERE IS A PORTION THAT SAYS THAT WE DO NOT REGULATE WASTE
13 TIRES THAT HAVE BEEN CRUMBED TO A QUARTER INCH OR LESS.

14 MR. WINTERS: RIGHT.

15 MS. NAUMAN: I BELIEVE THAT'S WHAT YOU'RE
16 REFERRING TO.

17 MR. WINTERS: RIGHT, RIGHT, THAT'S WHAT I'M
18 REFERRING TO.

19 MS. NAUMAN: BUT IT DOESN'T SPECIFICALLY DEFINE
20 CRUMB RUBBER AS THAT PARTICULAR DIMENSION.

21 MR. WINTERS: WELL, OKAY. BUT IN EFFECT I THINK
22 IT'S THE SAME THING. BECAUSE THE DEFINITION BY INFERENCE IS
23 THAT ANYTHING A QUARTER INCH OR SMALLER IS CRUMB RUBBER.

24 I THINK THE TERM "CRUMB RUBBER," ONCE AGAIN,

1 IS A MISLEADING TERM BECAUSE -- AND I'VE WRITTEN TO STAFF
2 ABOUT THIS AND BEEN TOLD THAT THIS CAN'T BE ACTED UPON NOW,
3 MAYBE IN A YEAR OR TWO WE CAN DO SOMETHING ABOUT IT.

4 WE'RE FACED WITH A PROBLEM IMMEDIATELY ON
5 THIS ISSUE, WHERE THE TERM CRUMB RUBBER DOES NOT APPLY TO
6 OUR ONE-INCH CUBES THAT WE SELL AS A FINISHED PRODUCT IN A
7 PACKAGE. IT DOES NOT APPLY TO THE TWO- TO THREE-INCH-LONG
8 SHREDS WHICH WE PACKAGE AND SELL AS A FINISHED PRODUCT.
9 THOSE ARE NOW BEING REGULATED BY L.A. COUNTY FIRE PREVENTION
10 AS WHOLE TIRE OR SHREDDED WHOLE TIRE BECAUSE THEY DO NOT
11 MEET THE QUARTER-INCH OR SMALLER DEFINITION OF CRUMB RUBBER,
12 IF YOU WILL.

13 AS A RESULT, WE'RE IN THE PROCESS OF LOOKING
14 FOR AND SHOPPING FOR ADDITIONAL STORAGE SPACE, AND ALL OF
15 THE CITIES AND COUNTY AGENCIES IN OUR AREA ARE GOING BY (A)
16 THE FIRE REGULATIONS THEMSELVES, WHICH EACH AND EVERY CITY
17 AND COUNTY HAVE.

18 AND WHEN WE MENTION THAT, BUT THIS IS CRUMB
19 RUBBER, IT IS NOT WHOLE TIRES, IT'S NOT SHREDDED WHOLE
20 TIRES, WE DO NOT HAVE TO LEAVE 40-FOOT AISLES, AND SO FORTH
21 AND SO ON. THAT IT IS, BY DEFINITION IN THE FIRE CODES, A
22 DIFFERENT MATERIAL THAT, HEAVEN FORBID, BURNS DIFFERENTLY,
23 IS NOT THE SAME HAZARD AS WHOLE TIRES OR SHREDDED WHOLE
24 TIRES. BUT, NEVERTHELESS, WE'RE BEING FORCED TO COMPLY WITH

1 THESE FIRE DEPARTMENT REGULATIONS THAT WILL NOT ALLOW US TO
2 STORE ANYTHING LARGER THAN QUARTER-INCH AS CRUMB RUBBER, OR
3 AS GRANULATED RUBBER, OR AS FINISHED PRODUCT, OR, CALL IT
4 WHAT YOU WILL. THEY ARE CONSIDERING THOSE TO BE TIRES OR
5 SHREDDED TIRES, WHICH CARRY A MUCH HEAVIER BURDEN AS FAR AS
6 REGULATION, AS YOU ALL KNOW.

7 SO, I RESPECTFULLY REQUEST A STUDY RELATIVE
8 TO WHAT CAN BE DONE TO REDEFINE GRANULATED OR CRUMB RUBBER
9 AND THE FINISHED PRODUCTS THAT THOSE OF US IN THE INDUSTRY
10 WORK WITH EVERY DAY.

11 AND, ARE THERE ANY QUESTIONS?

12 CHAIRMAN EATON: ANY QUESTIONS OF
13 MR. WINTERS?

14 MR. WINTERS: I JUST WISH I COULD IMPART ON YOU
15 THE URGENCY OF THIS MATTER WHEN IT COMES TO OUR COMPANY, AND
16 ONE OTHER THAT WE'RE FAMILIAR WITH, BECAUSE WE'RE AGAINST A
17 STONE WALL ON THE COST OF STORAGE OF THIS VERY LOW-VALUE
18 COMMODITY THAT HAS TO BE DONE IN MILLIONS AND MILLIONS OF
19 POUNDS TO BE -- TO AMOUNT TO ANYTHING. AND TO IMPOSE THE
20 SCRAP TIRE REGS ON THEM IS REALLY A SERIOUS FINANCIAL
21 BURDEN.

22 CHAIRMAN EATON: THANK YOU.

23 PAUL VALLONE.

24 MR. VALLONE: GOOD MORNING CHAIRMAN EATON AND THE

1 REST OF THE BOARD. MY NAME IS PAUL VALLONE, I'M THE MANAGER
2 FOR THE STOCKTON COGEN AIR PRODUCTS FACILITY OUT IN
3 STOCKTON, CALIFORNIA.

4 AND I JUST WANTED TO SAY THAT I'M IN SUPPORT
5 OF THE REGULATIONS, AND ALSO APPRECIATE YOUR ASSISTANCE IN
6 MAINTAINING THE EXCLUSION THAT WILL BE ABLE TO KEEP, AS FAR
7 AS MOVEABLE TRAILERS, UNTIL WE'VE PROGRESSED FURTHER ON WITH
8 THE TIRE POLICY.

9 AND AS BOARD MEMBER JONES MENTIONED, I WILL
10 BE LEAVING THIS AREA, AND I APPRECIATE THE SUPPORT AND THE
11 WORK THAT WE'VE BEEN ABLE TO DO IN THE PAST TWO YEARS ON
12 TIRES, AND THE PAST FOUR YEARS WITH OUR ASH BYPRODUCTS AS
13 WELL.

14 I REPRESENT NOT ONLY MYSELF, BUT MY WHOLE
15 COMPANY, AND YOU CAN BE ASSURED THAT, YOU KNOW, WE'LL
16 CONTINUE TO PARTICIPATE IN THESE AND OTHER ACTIVITIES WITH
17 THE BOARD AS THEY COME UP. THANK YOU.

18 CHAIRMAN EATON: THANK YOU, MR. VALLONE, AND GOOD
19 LUCK.

20 JANA NARIN.

21 MS. NARIN: THANK YOU MR. CHAIRMAN, AND GOOD
22 MORNING TO THE BOARD MEMBERS.

23 I APPRECIATED THE COMMENTS BY ALL THE BOARD
24 MEMBERS REGARDING THESE ISSUES, AND I AGREE WITH QUITE A FEW

1 -- BIT OF WHAT'S BEEN SAID.

2 I'D LIKE TO EXPRESS OUR SUPPORT OF THE
3 EXCLUSION FOR MOVABLE, LOCKABLE CONTAINERS FOR THOSE
4 APPROVED END USERS SUCH AS AIR PRODUCTS BECAUSE IT'S VERY
5 BENEFICIAL FOR THEM TO HAVE THAT EXCLUSION.

6 HOWEVER, I HAVE SOME CONCERNS ABOUT THAT
7 EXCLUSION BEING ABUSED BY THE LESS LEGITIMATE HAULERS AND
8 FACILITIES IN THE STATE. AND I KNOW ALL OF OUR CONCERN IS
9 TO ELIMINATE EXCLUSIONS THAT ALLOW LOOPHOLES FOR COMPANIES
10 TO CREATE PROBLEMS FOR ALL OF US TO DEAL WITH.

11 SO, WITH THAT, I'D LIKE TO ENCOURAGE THAT THE
12 BOARD MEMBERS CONSIDER REINSTATING AND/OR UTILIZING SOME OF
13 WHAT IS IN THE RECYCLING BUSINESS EXCLUSION TO POSSIBLY SEE
14 WHAT YOU CAN USE IN THAT. AND THE KEY THERE IS THE
15 INVENTORY TURNOVER. AND I THINK THAT WILL TOUCH ON
16 MR. ROBERTI'S ISSUE REGARDING THE PROJECTS LIKE THE LEVEE
17 PROJECT. IF THAT LEVEE PROJECT WAS CONSIDERED UNDER AN
18 INVENTORY TURNOVER THEY WOULD QUALIFY IMMEDIATELY, BECAUSE
19 THE PRODUCT WILL BE GONE IN TWO WEEKS, IT WOULD BE UTILIZED
20 INTO THAT PROJECT WITHIN TWO WEEKS.

21 AND SO THAT -- IN ADDITION, THAT WOULD
22 SUPPORT FACILITIES IN THE INDUSTRY THAT HAVE RAPID GROWTH,
23 BUT ARE ALSO RAPIDLY TURNING OVER THEIR INVENTORY AND
24 UTILIZING THAT. I DON'T KNOW IF THAT'S POSSIBLE, BUT ALONG

1 THE LINES THAT
2 MR. JONES HAD TOUCHED ON, I WOULD LIKE TO SEE IF THE BOARD
3 MEMBERS COULD UTILIZE SOME OF WHAT'S IN HERE AND WORK WITH
4 IT AND TRY TO GET IT INTO SOME REGULATIONS. AGAIN, TIME
5 BEING OF THE ESSENCE.

6 AND I REALIZE THAT A LOT OF THIS MAY BE
7 COVERED WITH THE TIERED PERMITTING THAT MAYBE IN -- STATED
8 IN THE -- WITH THE LEGISLATION, WITH THE 117 REPORT.
9 HOWEVER, WE REALIZE IN THE INDUSTRY THAT THAT'S PROBABLY A
10 COUPLE OF YEARS DOWN THE LINE STILL. SO, I'M HOPING THAT
11 THE BOARD WILL CONSIDER THIS OPTION IF POSSIBLE. THANK YOU.

12 CHAIRMAN EATON: THANK YOU.

13 I HAVE ONE SLIP, MR. GEORGE LARSON
14 REPRESENTING LAKIN TIRE.

15 MR. LARSON: OKAY. THANK YOU
16 MR. CHAIRMAN AND MEMBERS. GEORGE LARSON REPRESENTING LAKIN
17 TIRE.

18 YES, I ALSO WOULD LIKE TO EXPRESS, ON BEHALF
19 OF LAKIN TIRE, SUPPORT FOR RETENTION OF THE LOCKABLE,
20 MOVEABLE CONTAINER PROVISIONS IN THE REGULATIONS.

21 HOWEVER, RECOGNIZING, AS MS. NARIN REFLECTED
22 IN HER COMMENTS, THAT THERE ARE SOME PROBLEMS OUT THERE THAT
23 ARE ALREADY BEGINNING TO MANIFEST THEMSELVES FOR PEOPLE
24 MISUSING THIS PROVISION, AND I'D LIKE TO MAKE OUR COMMITMENT

1 TO WORK WITH YOU TO COME UP WITH A REASONABLE SOLUTION BUT,
2 IN THE MEANTIME KEEP THIS IN PLACE.

3 HOWEVER, I WOULD LIKE CLARIFICATION FROM THE
4 BOARD ON THE -- CALL IT THE AVAILABILITY OF THIS EXCLUSION
5 TODAY. IN OTHER WORDS, LAKIN TIRE OPERATIONS A NUMBER OF
6 OPERATIONS BESIDES THEIR FULLY-PERMITTED FACILITIES, WHERE
7 COMMON CARRIERS MAY STORE OR PARK A LOCKED CONTAINER, IN
8 THIS CASE PROBABLY A DRY VAN, A 40-FOOT, 48-FOOT TRAILER,
9 BECAUSE THEY CAN'T GET IT QUEUED INTO THE FACILITY WITHIN A
10 REASONABLE PERIOD OF TIME, WHICH MIGHT BE THREE OR 12 HOURS.

11
12 BUT IN THE MEANTIME, WE'RE NOT SURE IF WE
13 NEED AN EXCLUSION FOR A PARKING LOT WHERE THESE THINGS ARE
14 BEING PARKED. I KNOW THAT MAY SOUND A LITTLE OF A STRETCH,
15 BUT IT IS SOMETHING THAT HAS ARISEN. AND WE'VE WRITTEN
16 CORRESPONDENCE TO THE BOARD TO GET CLARIFICATION.

17 SO, I WOULD LIKE TO KNOW IF THE LOCKABLE,
18 MOVEABLE EXCLUSION IS, AGAIN, FOR LACK OF THE EXACT WORDS,
19 AVAILABLE FOR THOSE WHO FEEL LIKE THEY WANT TO AVAIL
20 THEMSELVES OF THAT TODAY.

21 CHAIRMAN EATON: STAFF?

22 MR. VLACH: MR. CHAIRMAN, THAT EXCLUSION IS STILL
23 IN THE REGULATION, IT'S STILL VALID, AND WE HAVE PROCESSED
24 SOME IN THIS PAST YEAR.

1 MR. LARSON: OKAY, THANK YOU.

2 CHAIRMAN EATON: DOES THAT CLARIFY...?

3 MR. LARSON: YES. YES.

4 CHAIRMAN EATON: THANK YOU, MR. LARSON.

5 ALL RIGHT. MS. NAUMAN? OKAY.

6 GENTLEMEN?

7 MEMBER PENNINGTON: YES. GOOD MORNING.

8 CHAIRMAN EATON: GOOD MORNING. OKAY.

9 MEMBER PENNINGTON: OKAY, YOU WANTED TO KNOW WHAT
10 TO DO.

11 CHAIRMAN EATON: NO, I'M FINE WITH
12 JUST -- YOU KNOW, THERE JUST SEEMS TO BE A LOT OF CONFUSION
13 AND NEED FOR CLARIFICATION WITH REGARD TO SOME OF THESE
14 ISSUES. SO I THINK IF WE CAN KIND OF JUST PERHAPS HAVE A
15 DIALOGUE AS TO -- I KNOW YOU HAD A CONCERN AND SPOKE WITH
16 MR. JONES JUST BRIEFLY, IN TERMS OF CLARIFICATION. SO NOW
17 THAT WE HAVE THE RULES OF THE GAME SET BY
18 MR. BLOCK AS TO WHAT WE CAN OR CANNOT DO IN CONTRAVENTION OF
19 THE STATUTE....

20 MEMBER PENNINGTON: WELL, IT WOULD SEEM TO ME, MR.
21 CHAIRMAN, THAT MAYBE WHAT WE -- YOU KNOW, WE'RE SORT OF
22 FORCED INTO A BOX HERE A LITTLE BIT BECAUSE OF TIMING.

23 AND MAYBE WHAT WE DO IS APPROVE THESE TO BE
24 SUBMITTED TO THE OFFICE OF ADMINISTRATIVE LAW, AND ALSO SET

1 A TIME CERTAIN IN THE VERY NEAR FUTURE, LIKE IN JULY, TO
2 START WORKING ON REVISING THE REGULATIONS SO THAT WE HAVE
3 SOMEPLACE TO MOVE.

4 I MEAN, WE CANNOT -- I DON'T THINK WE CAN BE
5 IN A POSITION WHERE WE LOSE THESE EXEMPTIONS AND GET IN THAT
6 KIND OF A SITUATION AGAIN.

7 CHAIRMAN EATON: I AGREE. AND I THINK YOU
8 ADEQUATELY FRAMED THE ISSUE, IN TERMS OF THE BOX.

9 WHAT WE WOULD DO, THEN, UNDER YOURS IS BRING
10 THEM BACK IN JULY FOR PROCESSING AND APPROVAL, AND THE
11 SUBMIT THOSE AS THE FINAL REGULATIONS? HOPEFULLY?

12 MEMBER PENNINGTON: RIGHT.

13 CHAIRMAN EATON: MR. BLOCK?

14 MR. BLOCK: LET ME, JUST FOR CLARIFICATION,
15 BECAUSE THERE'S SOMETHING TWO DIFFERENT --

16 CHAIRMAN EATON: RIGHT.

17 MR. BLOCK: -- THINGS THAT ARE GOING ON THAT HAVE
18 BEEN MIXED UP.

19 THERE ARE EMERGENCY REGS THAT ARE DUE TO
20 EXPIRE JULY 1ST UNLESS WE RESUBMIT THOSE.

21 CHAIRMAN EATON: CORRECT.

22 MR. BLOCK: AND THEN ALSO, I THINK THE OTHER
23 PURPOSE OF THIS ITEM WAS TO ACTUALLY BRING FORWARD TEXT OF
24 WHAT THOSE REGULATIONS WERE TO NOTICE THEM FOR A 45-DAY

1 COMMENT PERIOD, TO START THE ADOPTION OF THE PERMANENT REGS.

2 SO, I JUST WANTED TO CLARIFY THAT WHAT WOULD
3 COME BACK IN JULY IF YOU -- IF THAT WAS THE BOARD'S
4 DECISION, WOULD BE TO LOOK AT THE LANGUAGE OF THE
5 REGULATIONS THAT YOU WOULD WANT TO NOTICE FOR A 45-DAY....

6 MEMBER PENNINGTON: WHAT I WANT TO DO, WHAT I'M
7 SUGGESTING, MR. CHAIRMAN, IS THAT WE MOVE THE EMERGENCY REGS
8 FORWARD NOW --

9 CHAIRMAN EATON: AS IS.

10 MEMBER PENNINGTON: AS IS.

11 CHAIRMAN EATON: OKAY.

12 MEMBER PENNINGTON: AND THEN EITHER SET JULY OR,
13 AT THE VERY LATEST, AUGUST AS A TIME TO TRY TO MOVE THE
14 REGULAR -- YOU KNOW, THE PERMANENT REGS FORWARD AND GET THEM
15 IN THE TRACK SO THAT WE -- YOU KNOW, WE'RE NOT CAUGHT IN
16 THIS TIME WARP AGAIN.

17 CHAIRMAN EATON: I THINK YOU --

18 MEMBER PENNINGTON: AND I THINK IT'S OBVIOUS THERE
19 IS SOME ADJUSTMENT THAT HAS TO BE DONE YET TO ACCOMMODATE
20 WHAT SOME OF US FEEL. SO, IT WOULD GIVE US THAT TIME,
21 EITHER THE NEXT MONTH OR SIX WEEKS, TO DO THAT IN.

22 CHAIRMAN EATON: MR. JONES?

23 MEMBER JONES: MR. CHAIRMAN, I THINK I COULD
24 PROBABLY GO ALONG WITH THAT.

1 I HAVE A PROBLEM, THOUGH, WITH, YOU KNOW,
2 THESE EXCLUSIONS. IT WAS NECESSARY FOR US TO REMOVE THESE
3 EXCLUSIONS. I MEAN, IT WAS BEING ABUSED, IT WAS AN ABSOLUTE
4 DISASTER, COSTING US A LOT OF MONEY IN CLEANUPS, THAT'S WHY
5 WE GOT RID OF THESE EXCLUSIONS THROUGH A REG PACKAGE.

6 ONE OF THE INTERESTING THINGS ABOUT THE
7 STATUTE, WHEN YOU TALK ABOUT THE DEFINITION OF WASTE TIRE,
8 PART OF THE CONTENTION AND CONTENTIOUSNESS BETWEEN THIS
9 BOARD AND USED TIRE DEALERS HAS BEEN THAT THAT DEFINITION IN
10 STATUTE WAS NOT -- HAS NOT -- OUR REGULATIONS HAVE DONE ITS
11 JOB TO ADD DEFINITION TO WHAT STATUTE HAD. THIS DEFINITION
12 IS IN COMPLIANCE WITH THAT -- I MEAN, IT DOESN'T GO AGAINST
13 THE STATUTE.

14 CHAIRMAN EATON: RIGHT.

15 MEMBER JONES: BECAUSE USED TIRES WERE NOT
16 IDENTIFIED AS A WASTE TIRE. WHAT IT HAS CREATED WAS A LOT
17 OF PEOPLE GOING OUT OF BUSINESS, A LOT OF -- WE'RE GOING TO
18 HAVE 17 FACILITIES THAT ARE GOING TO BE ON A COMPLIANCE
19 SCHEDULE THAT ARE USED TIRE DEALERS, THEY'RE PRETTY SQUARE-
20 SHOOTERS, SUPPOSEDLY, THAT ARE GOING TO BE IN VIOLATION OF
21 OUR LAWS BECAUSE OF THIS EMERGENCY PACKAGE.

22 AND YET WE'RE GOING TO HAVE TO GO BACK AND
23 FIX IT. BUT I'M WONDERING HOW MANY OF THEM HAVE TO COME UP
24 WITH THE MONEY OR GO OUT OF BUSINESS BETWEEN NOW AND THEN.

1 THAT CREATES A PROBLEM FOR ME, BECAUSE IT IS -- WE HAVE TWO
2 DEFINITIONS IN OUR REGULATIONS OF WHAT A WASTE TIRE IS. ONE
3 INCLUDES USED TIRES AND ONE DOESN'T.

4 CHAIRMAN EATON: SO THE ISSUE -- AND I'M JUST
5 TRYING TO FRAME THE ISSUE, SEPARATE IT -- SO YOUR CONCERN IS
6 ONE THAT, BECAUSE OF THE TIMING, THAT WE MAY HAVE AN
7 ENFORCEMENT ISSUE THAT PROVIDES AN UNJUST RESULT WHILE SOME
8 OF THESE ITEMS ARE BEING WORKED THROUGH AT THE NEXT MEETING,
9 OR WHATEVER MEETING THAT WE SET ULTIMATELY AS A RESULT OF
10 OUR ACTION TODAY.

11 I JUST WANTED --

12 MEMBER JONES: YES. AND MY --

13 CHAIRMAN EATON: WITH THAT -- OKAY? -- WITH THAT,
14 I JUST WANT TO FIND OUT THEN, ARE THERE ANY OPTIONS THAT CAN
15 ALLEVIATE OR SATISFY YOUR CONCERNS, WHICH THEN PUTS YOU IN
16 CONFORMANCE WHERE MR. PENNINGTON IS. AND IF THAT'S THE
17 ISSUE, IF THE ISSUE IS ONE OF ENFORCEMENT AND/OR THE BOARD'S
18 ACTIONS BEING ABLE TO NOT TAKE AN ACTION AGAINST THEM -- I
19 DON'T KNOW IF THAT HELPS YOU OR ALLEVIATES YOUR CONCERN.
20 BUT I'D LIKE TO FIND OUT, I GUESS, FROM LEGAL STAFF OR OTHER
21 STAFF....

22 AND THEN I HAVE ONE OTHER QUESTION AFTER THAT
23 ANSWER, IS THAT OF MY OWN, UNRELATED TO IT.

24 SO, MR. BLOCK, I GUESS THE FRAMED ISSUE IS

1 THAT MR. JONES HAS A CONCERN THAT IF WE FOLLOW AND SUBMIT
2 THE EMERGENCY REGULATIONS, AND THEN COME BACK AT A LATER
3 DATE, TO BE DETERMINED -- IF THAT SHOULD BE THIS BOARD'S
4 ACTION -- THEN HOW, IF -- DOES MR. JONES' CONCERN WITH
5 REGARD TO ENFORCEMENT AGAINST INDIVIDUALS WHO APPEAR TO BE
6 JUST CAUGHT BETWEEN A ROCK AND A HARD PLACE, THROUGH NO
7 FAULT OF THEIR OWN -- IS THERE SOMETHING THAT WE AS A BOARD
8 CAN DO OR NOT DO, OR THAT WOULD HELP SOLVE THAT PROBLEM?
9 UNTIL SUCH TIME AS WE CAN RESOLVE THE FINAL -- AND I DON'T
10 KNOW IF THERE IS.

11 MR. BLOCK: RIGHT. AND THERE MIGHT BE SORT OF TWO
12 DIFFERENT ASPECTS TO THE QUESTION YOU ASKED, ONE IS LEGAL,
13 AND ONE, THERE MAY BE SOMETHING THAT EITHER JULIE OR BERNIE
14 WANT TO ADD, IN TERMS OF HOW THIS WOULD PLAY OUT.

15 BUT LEGALLY THE BOARD -- AND I THINK THIS IS
16 A QUESTION ACTUALLY THAT GOT ASKED EARLIER THAT I ENDED UP
17 NOT BEING ABLE TO ANSWER, BECAUSE WE SORT OF GOT ON TO A FEW
18 OTHER QUESTIONS. THE BOARD DOES HAVE THE ABILITY IN THE
19 RESUBMITTAL OF THE EMERGENCY REGS, WITH -- SOMETIME WITHIN
20 THE NEXT WEEK, BECAUSE WE'VE GOT THIS JULY 1ST DEADLINE
21 LOOMING -- TO MODIFY THE LANGUAGE OF THESE EMERGENCY REGS
22 SOMEWHAT. I MEAN, I THINK -- THERE'S NO REAL LIMIT ON
23 EXACTLY HOW MUCH YOU CAN MODIFY THEM.

24 BUT, IF IT WERE THE PLEASURE OF THE BOARD TO

1 ADD SOME OF THOSE DEFINITIONS, OR CHANGE SOME OF THOSE
2 DEFINITIONS, LEGALLY THOSE -- AS LONG AS THEY'RE NOT
3 CONFLICTING WITH STATUTE, WE CAN INCLUDE SOME OF THOSE NOW
4 IN THE EMERGENCY REGULATIONS IF THAT'S WHERE YOU WANTED TO
5 GO.

6 ANOTHER OPTION THAT'S BEEN TALKED ABOUT IS,
7 OF COURSE, JUST LEAVING THOSE EMERGENCY REGULATIONS AS THEY
8 ARE, STATUS QUO, SO THAT SOME OF THE ISSUES AS TO WHAT THESE
9 DEFINITIONS SHOULD BE --

10 CHAIRMAN EATON: THAT APPEARS TO BE
11 MR. PENNINGTON'S ISSUE.

12 MR. BLOCK: -- WORKED OUT.

13 RIGHT.

14 CHAIRMAN EATON: I'M TRYING TO GET TO THE ISSUE,
15 IS THERE A MIDPOINT --

16 MR. BLOCK: RIGHT.

17 CHAIRMAN EATON: -- BETWEEN -- AND I'M NOT PUSHING
18 --

19 (THE PARTIES SIMULTANEOUSLY SPEAK.)

20 CHAIRMAN EATON: -- BUT I'M JUST TRYING TO FIND
21 OUT WHAT ARE OUR OPTIONS.

22 MR. BLOCK: IN TERMS OF -- LEGALLY, IN TERMS OF
23 WHAT THE REGULATION WOULD SAY, ESSENTIALLY I DON'T KNOW THAT
24 THERE'S A MIDPOINT. THE REGULATIONS WILL EITHER DEFINE SOME

1 OF THOSE ACTIVITIES AS NOT BEING COVERED BY THE REGULATIONS
2 OR THEY WILL.

3 AND THERE'S A, YOU KNOW, DECISION THERE, IN
4 TERMS OF IF THE DEFINITIONS AREN'T WORKED OUT YET -- AND
5 JULIE AND BERNIE MIGHT WANT TO JUMP IN HERE -- THERE ARE
6 SOME -- THE BOARD HAS A CERTAIN AMOUNT OF PROSECUTORIAL
7 DISCRETION, IF YOU WILL.

8 CHAIRMAN EATON: THAT'S WHAT I'M TRYING TO SAY.
9 IF -- LET ME GIVE YOU THE HYPOTHETICAL, THAT MR. PENNINGTON
10 PROPOSES -- AND I DON'T WANT TO PUT WORDS IN YOUR MOUTH --
11 THAT THE EMERGENCY REGULATIONS BE RESUBMITTED AS IS, WITHOUT
12 ANY CHANGES.

13 THE QUESTION THEN BECOMES, WHAT PROSECUTORIAL
14 DISCRETION DO WE HAVE, OR DOES THE STAFF HAVE, SO THAT MR.
15 JONES' CONCERNS, WHICH ARE LEGITIMATE, IE. TAKING
16 ENFORCEMENT ACTION AND/OR IN VIOLATION AND/OR PUTTING UP
17 SUBSTANTIAL DOLLARS CAN BE.

18 YOU'VE ANSWERED THE FIRST HYPOTHETICAL, WHICH
19 IS BASICALLY HOW YOU CAN AMEND THEM AFTER.

20 MR. BLOCK: RIGHT.

21 CHAIRMAN EATON: I'M JUST TRYING TO FIND OUT IF
22 THERE'S OPTIONS, IF THE BOARD CAN LOOK AT THEM AND CHOOSE
23 WHICH IS THE MOST APPROPRIATE, GIVEN THE TIME CONSTRAINTS
24 THAT WE'RE ALL PUT IN THE BOX.

1 MR. CHANDLER: CAN I SPEAK TO THIS?

2 IT SEEMS TO ME THAT WE -- THIS BOARD HAS AT
3 LEAST ALREADY SET SOME TYPE OF A PRECEDENT IN THIS AREA,
4 WHERE IN THE MID '90S, WHEN WE STARTED THE TIERED PERMITTING
5 PROCESS, WE RECOGNIZED THAT THERE WAS A WHOLE HOST OF TYPES
6 OF FACILITIES OUT THERE -- HANDLING ASH, HANDLING COMPOST,
7 HANDLING ALTERNATIVES TO JUST STRICTLY MUNICIPAL SOLID
8 WASTE.

9 AND WE PUT OUT ADVISORIES TO LEAS INDICATING
10 THAT UNTIL THIS BOARD CLARIFIES EXACTLY WHAT TYPE OF A
11 PERMIT WE WANT TO SEE, AND THE CONDITIONS AROUND THAT
12 PERMIT, THAT WE ENCOURAGE THE LEAS TO NOT SUBMIT THOSE
13 APPLICATIONS AS A FULL-BLOWN SOLID WASTE AOOKICATIONS.

14 THE BOARD CAN INDICATE THAT IN THIS INTERIM
15 PERIOD WE ARE ENCOURAGING AND DIRECTING STAFF THAT WE NOT
16 MOVE AGGRESSIVELY ON REQUIRING PERMIT CONDITIONS TO BE
17 APPLIED WHILE WE SORT THROUGH THE APPROPRIATE REGULATIONS OR
18 EXEMPTIONS THAT ARE GOING TO BE ULTIMATELY APPLICABLE.

19 I SEE NO PROBLEMS WITH HAVING US TAKE THIS
20 SUBSET OF INDIVIDUALS, IF THERE IS DIRECTION FROM THE BOARD
21 THAT YOU WANT THAT VERY SUBSET TO BE THE SUBJECT OF A
22 FURTHER REGULATORY REVIEW IN THE COMING WEEKS. AND WE'VE
23 DONE THAT IN THE PAST.

24 MEMBER JONES: MR. CHAIRMAN.

1 CHAIRMAN EATON: MR. JONES.

2 MEMBER JONES: THAT WOULD -- MAKES A LOT OF SENSE
3 TO ME, THAT'S A CONSISTENT POLICY WITH WHAT WE DID.

4 I THINK THE OTHER THING IT DOES, IS IT ALLOWS
5 US -- AS SENATOR ROBERTI SAID, AND
6 MR. PENNINGTON -- TO START THE PROCESS TO FINALIZE THESE
7 REGS. AND I'M ASSUMING THAT THIS'LL COME FORWARD AS AN ITEM
8 WHERE WE CAN DISCUSS IT AND HAVE OUR INPUT TO IT BEFORE WE
9 START THE 45-DAY PERIOD, TO GET SOME INPUT FROM THE BOARD,
10 OR DO WE HAVE TO WAIT 45 DAYS TO --

11 MR. BLOCK: NO, NO. IF THAT'S YOUR DIRECTION --
12 IT SOUNDS LIKE THE DIRECTION IS TO BRING THIS ITEM BACK
13 AGAIN. THE 45-DAY -- THE APPROVAL TO NOTICE FOR 45 DAYS IS
14 BACK IN JULY --

15 MEMBER JONES: RIGHT.

16 MR. BLOCK: -- SO THAT DISCUSSION ABOUT WHAT THE
17 REGS SHOULD SAY WOULD TAKE PLACE BEFORE THE NOTICE PERIOD
18 STARTS.

19 MEMBER JONES: OKAY. NOW THAT --
20 MR. CHAIRMAN, THAT WOULD MAKE -- I COULD DEAL WITH THAT.

21 AND THE OTHER THING I THINK IT DOES -- I'M
22 NOT SURE IF ALL 17 OF THOSE FACILITIES ARE, YOU KNOW, SQUARE
23 AND UP-FRONT; I'VE BEEN ASSURED THAT THEY PROBABLY ARE. BUT
24 THAT GIVES THE STAFF A LITTLE BIT OF LATITUDE IN TIME TO SEE

1 IF WE'RE NOT LETTING -- WHAT'S THE APPROPRIATE WAY TO DEAL
2 WITH THIS, AND THAT WOULD TAKE CARE OF IT. AND I THINK
3 THOSE USED TIRE DEALERS THAT WE'RE FORCING OUT OF BUSINESS
4 HAVE A LITTLE BIT OF TIME TO DEAL WITH THIS, WHICH IS BETTER
5 THAN WHAT IT'S BEEN FOR THE LAST COUPLE OF YEARS.

6 SO, I'M SATISFIED WITH THAT, AND CAN GO ALONG
7 WITH MR. PENNINGTON'S IDEA, AND WE CAN INCLUDE MR. ROBERTI'S
8 ITEM, SENATOR ROBERTI'S ITEM, AND MINE WHEN WE GET INTO THE
9 DISCUSSION IN JULY.

10 CHAIRMAN EATON: I JUST HAVE ONE QUESTION, AND IT
11 REGARDS THE RESOLUTION THAT WE WOULD BE ASKED TO ADOPT ON
12 AGENDA ITEM 3, ATTACHMENT 2, 1999-278.

13 WE TALK ABOUT -- IRRESPECTIVE OF WHICH COURSE
14 WE TAKE, THE RESOLVE CLAUSE SPEAKS IN TERMS OF FINAL
15 REGULATIONS? IS THAT ACCURATE? OR SHOULD THAT BE
16 EMERGENCY?

17 MEMBER JONES: WHERE ABOUT --

18 CHAIRMAN EATON: (PRESUMED QUOTATION): "NOW,
19 THEREFORE, BE IT RESOLVED THE BOARD WILL AUTHORIZE THE STAFF
20 TO PREPARE AND SUBMIT TO THE OAL FINAL REGULATIONS."

21 MS. NAUMAN: I BELIEVE THAT'S THE CORRECT TERM.
22 IT'S EITHER FINAL OR --

23 CHAIRMAN EATON: I JUST WANT TO MAKE SURE, SINCE
24 WE'RE GOING THROUGH EMERGENCY --

1 (THE PARTIES SIMULTANEOUSLY SPEAK.)

2 MS. NAUMAN: YEAH.

3 CHAIRMAN EATON: I MEAN, I JUST --

4 MS. SMALL: JUST TO MAYBE -- THIS MIGHT CLARIFY.

5 THIS PACKAGE WAS COMING FORWARD AS THE EMERGENCY REGS TO BE
6 PUT OUT FOR A 45-DAY NOTICE TO MAKE THEM FINAL. IT DIDN'T -
7 - IT WASN'T ADDRESSING WHETHER OR NOT WE WERE GOING TO PUT
8 THE EMERGENCY REGS THROUGH, BECAUSE WE HAVE TO DO THAT
9 EITHER WAY, SINCE THEY EXPIRE BEFORE THE 45 DAYS WOULD PASS.
10 WE WOULD HAVE TO HAVE DONE THAT IN ANY EVENT.

11 CHAIRMAN EATON: RIGHT. SO THIS IS THE NOTICING
12 REQUIREMENT --

13 MS. SMALL: SO THAT RESOLUTION IS CORRECT, AS FAR
14 AS HOW THE ITEM WAS ORIGINALLY DRAFTED.

15 CHAIRMAN EATON: OKAY. SO FOR PURPOSES OF TODAY'S
16 ACTION, THE RESOLUTION SPEAKS TO THE NOTICING FOR THE 45-DAY
17 PERIOD. IF WE WERE TO EITHER GO FORWARD WITH MR.
18 PENNINGTON'S -- WHICH APPEARS TO BE THE CASE, AS WELL AS MR.
19 JONES'S CONCURRENCE, AND ADDING SENATOR ROBERTI'S THREE
20 ITEMS, AT LEAST HERE -- IS THERE ANOTHER RESOLUTION OR IS
21 THAT A DIRECTION THAT WE JUST MAKE AS A BOARD? OR, DO WE
22 HAVE TO MAKE A MOTION ON IT? BECAUSE I DON'T HAVE A
23 RESOLUTION WITH REGARD TO THE SUBMITTAL OF THOSE EMERGENCY
24 REGULATIONS.

1 MR. BLOCK: RIGHT. AND I THINK WHAT WE HAD,
2 THERE'S BEEN A LITTLE BIT OF CONFUSION BECAUSE WE'RE DEALING
3 WITH SORT OF TWO DIFFERENT PACKAGES, IF YOU WILL, THE
4 EMERGENCY REGS AND THE 45-DAY, IN TERMS OF THE DISCUSSION.

5 TYPICALLY WHEN THE BOARD GIVES APPROVAL TO GO
6 FOR A 45-DAY NOTICE PERIOD WE ACTUALLY DON'T DO A RESOLUTION
7 BECAUSE IT'S JUST THE BEGINNING OF THE PROCESS, AND SO
8 THAT'S WHY SOME OF THIS LANGUAGE MIGHT LOOK A LITTLE BIT
9 DIFFERENT THAN ANYTHING YOU'VE SEEN BEFORE.

10 CHAIRMAN EATON: BUT WE'RE NOW DOING --

11 MR. BLOCK: RIGHT, I UNDERSTAND.

12 ALSO, SEPARATE FROM THAT, IN TERMS OF
13 EMERGENCY REGS, AFTER THE BOARD HAS APPROVED THOSE IN THE
14 PAST, TYPICALLY TO CONTINUE TO RENEW THOSE WHILE WE'RE
15 WAITING FOR THE PERMANENT REGS TO BE ADOPTED, THOSE ARE --
16 TYPICALLY DON'T COME BACK BEFORE THE BOARD FOR APPROVAL EACH
17 TIME TO EXTEND THE REGULATIONS. SO, TYPICALLY YOU WOULDN'T
18 HAVE A RESOLUTION FOR EITHER OF THOSE. WE CAN CERTAIN DO
19 THAT --

20 CHAIRMAN EATON: NO, I'M NOT ASKING, I'M JUST
21 TRYING TO FIND OUT WHAT ACTION ITEMS WE HAVE TO REQUEST OF
22 YOU IN ORDER TO BE ABLE TO COMPLETE THE PROCESS.

23 MR. BLOCK: RIGHT.

24 CHAIRMAN EATON: I UNDERSTAND THE 45-DAY, BUT DO

1 WE HAVE TO MAKE A MOTION WITH REGARD TO THE RESUBMITTAL?
2 THAT'S A SIMPLE QUESTION.

3 MR. BLOCK: THE SHORT ANSWER IS, LEGALLY YOU WOULD
4 NOT BE REQUIRED TO MAKE A MOTION. HOWEVER, GIVEN THE
5 DISCUSSION THAT'S GONE ON TODAY, FOR THE RECORD IT WOULD
6 PROBABLY MAKE SENSE TO HAVE A MOTION TO INCLUDE THE
7 DIRECTION --

8 CHAIRMAN EATON: NOW YOU'RE --

9 (THE PARTIES SIMULTANEOUSLY SPEAK.)

10 MR. BLOCK: -- ON BOTH THE EMERGENCY REGULATIONS
11 AND ON THE -- WHAT YOU WANT TO HAPPEN WITH THE PERMANENT
12 REGULATIONS, JUST SO THAT THERE'S CLARITY.

13 MEMBER PENNINGTON: WILL THERE BE ONE OR TWO
14 MOTIONS?

15 CHAIRMAN EATON: THERE WILL BE TWO MOTIONS, ONE
16 THAT DEALS WITH THE NOTICING REQUIREMENT AND ONE THAT WOULD
17 DEAL WITH THE SUBMISSION. IT TOOK US A LONG WAY, BUT THAT'S
18 WHERE I WAS GOING. I PROBABLY COULD HAVE CUT TO THE CHASE,
19 BUT.

20 SO, LET ME SEE IF I CAN KIND OF RECAPTURE --
21 AND I KNOW, SENATOR, YOU WERE HERE FOR PART OF IT. MR.
22 PENNINGTON HAD ASKED THAT WE JUST SUBMIT THE EMERGENCY
23 REGULATION AS IS.

24 AND THEN -- AND I'M NOT SURE WHEN YOU HAD TO

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1 LEAVE -- BUT MR. JONES' ISSUE OF CHANGING SOME OF THE
2 DEFINITIONS AND KIND OF MASSAGING AND WORKING -- BECAUSE
3 THERE WERE CERTAIN ISSUES REVOLVING AROUND DEFINITIONS THAT,
4 THROUGH AN ENFORCEMENT ACTION, IF WE DIDN'T TAKE THAT ACTION
5 THOSE INDIVIDUALS MAY HAVE A ACTION OF ENFORCEMENT OF SOME
6 TYPE AGAINST THEM, THROUGH NO FAULT OF THEIR OWN, ESPECIALLY
7 SINCE WE'RE IN THIS PERIOD OF LIMBO.

8 REALIZING THAT, THE POSITION OF COUNSEL, AND
9 THEN CONFIRMED BY THE STAFF, WAS THAT -- AND OUR HISTORIAN
10 HERE, MR. CHANDLER, SPOKE IN TERMS OF THE BOARD'S PRIOR
11 ACTIONS BY WHICH WE CAN ADOPT A METHOD BY WHICH WE SEND OUT
12 AN ADVISORY, SAYING EVEN THOUGH THESE DEFINITIONS STATE
13 THAT, YOU KNOW, THEY WOULD MAYBE BE IN VIOLATION, UNTIL WE
14 WORK THROUGH THE REGULATIONS AND GET THE FINAL DEFINITIONS
15 WE WOULD NOT BE TAKING ANY ENFORCEMENT ACTIONS, OR WOULD NOT
16 PROCESS ANY PAPER IN THAT REGARD.

17 AND I THINK THAT'S KIND OF WHERE WE ARE AS IT
18 RELATES TO THAT. AND MR. JONES SAID THAT WOULD BE
19 SUFFICIENT WITH HIM, AS LONG AS WE HAD THAT DIRECTION GIVEN
20 OUT TO THE LEAS, TO THE APPROPRIATE --

21 MS. NAUMAN: ACTUALLY, IN THIS
22 INSTANCE --

23 CHAIRMAN EATON: I'M SORRY --

24 MS. NAUMAN: -- IT WOULD BE TO OUR OWN STAFF.

1 CHAIRMAN EATON: TO OUR OWN STAFF AT THIS POINT.

2 SO, I DON'T KNOW WHAT PART OF IT YOU MISSED
3 OR WHATEVER, BUT I KIND OF RESTATED IT FOR THE RECORD, JUST
4 TO BE CLEAR. AND THAT, FOR ALL OF YOU, WE WOULD DO TWO
5 MOTIONS, ONE THAT REGARDS THE EMERGENCY REGULATIONS AND ONE
6 THAT REGARDS THE NOTICING.

7 SO, WITH THAT, MR. CHANDLER.

8 MR. CHANDLER: THE ONLY QUESTION I HAVE IS THAT --
9 I THINK WE'RE CLEAR THAT, DUE TO THE COMPLEXITY AND THE NEED
10 FOR PUBLIC COMMENT ON WHAT CONSTITUTES THE UNALTERED TIRE, A
11 WASTE TIRE, A USED TIRE -- WE'RE GOING TO START THAT
12 PROCESS. YOU'VE DIRECTED THAT WE COME BACK IN JULY TO GET
13 THAT WORK GOING.

14 THERE WERE SOME OTHER ISSUES, THOUGH, THAT
15 WERE RAISED THAT WE COULD INCLUDE IN THE NEXT MONTH'S
16 EFFORT, OR WE COULD INCLUDE IN THESE EMERGENCY REGS TODAY.
17 AND I GUESS I'M NOT CLEAR IF YOU WANT TO DEAL WITH THE ISSUE
18 ON THE FINANCIAL RESPONSIBILITY OR ANY OF THE OTHER ASPECTS
19 THAT WE RAISED, OR ARE YOU COMFORTABLE SEEING THOSE INCLUDED
20 IN THE DEFINITIONAL ISSUES THAT WE'RE GOING TO BE BRINGING
21 NEXT MONTH?

22 MEMBER ROBERTI: IF YOU BRING THESE DEFINITIONAL
23 ISSUES NEXT MONTH, THAT WOULD BE FINE.

24 MR. CHANDLER: NEXT MONTH. OKAY. THANK YOU FOR

1 THAT.

2 CHAIRMAN EATON: AND I THINK IT'S --

3 MEMBER PENNINGTON: WOULD YOU LIKE ME TO TRY --

4 CHAIRMAN EATON: SURE. AND I THINK IT'S A GOOD
5 IDEA THAT WE BRING THEM BACK IN JULY, BECAUSE IN AUGUST
6 WE'RE GOING TO BE UP IN QUINCY, IN ONE OF OUR RURAL VISITS,
7 AND IT MAY BE HARD FOR SOME OF THOSE WHO MAY HAVE COMMENTS
8 OR -- SO, TO FIND QUINCY, OR THE ROAD MAY BE CROWDED DUE TO
9 THE SUMMER RUSH AND VACATION.

10 MR. PENNINGTON, IF YOU WOULD PLEASE.

11 MEMBER PENNINGTON: OKAY. MR. CHAIRMAN, I'LL MOVE
12 THAT WE SUBMIT THE EMERGENCY REGULATIONS FOR AN ADDITIONAL
13 45-DAY COMMENT PERIOD --

14 MR. BLOCK: THE EMERGENCY REGULATIONS WOULD BE FOR
15 AN EXTENSION.

16 MEMBER PENNINGTON: OKAY. TO SUBMIT THE EMERGENCY
17 REGULATIONS FOR AN EXTENSION, WITHHOLDING ENFORCEMENT UNTIL
18 PERMANENT REGULATIONS ARE APPROVED.

19 CHAIRMAN EATON: OKAY. I'LL SECOND THAT MOTION.

20 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
21 ROLL?

22 THE SECRETARY: BOARD MEMBERS JONES?

23 MEMBER JONES: AYE.

24 THE SECRETARY: PENNINGTON?

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1 MEMBER PENNINGTON: AYE.

2 THE SECRETARY: ROBERTI?

3 MEMBER ROBERTI: AYE.

4 THE SECRETARY: CHAIRMAN EATON?

5 CHAIRMAN EATON: AYE.

6 MEMBER PENNINGTON: OKAY. NUMBER TWO MOTION, MR.
7 CHAIRMAN, THAT WE WOULD BRING BACK TO THE BOARD PERMANENT
8 REGULATIONS FOR APPROVAL AND SUBMITTAL TO OAL AT THE JULY
9 BOARD MEETING.

10 CHAIRMAN EATON: AND THAT WE DIRECT STAFF TO
11 INCLUDE THE THREE ITEMS THAT MR. ROBERTI HAD MENTIONED,
12 WHICH WAS THE STORAGE OF CRUMB RUBBER ON SITES AND THE
13 CLARIFICATION, OR OTHER KINDS OF EXPLANATION. THE TRUST
14 FUND ISSUE, WHICH WE'VE ALL HEARD ABOUT THE SHORTFALL, A
15 SHORTAGE OF TRUST FUNDS THAT DO NOT EQUAL THE AMOUNT OF
16 EXPOSURE. AND THEN, ALSO, THE ISSUE OF OBTAINING INSURANCE
17 FOR THE SITE. I BELIEVE THOSE WERE THE THREE.

18 MEMBER JONES: MR. CHAIRMAN.

19 CHAIRMAN EATON: MR. JONES.

20 MEMBER JONES: AND ALSO THE DEFINITION OF WASTE
21 TIRE TO BE ADDRESSED IN THAT?

22 CHAIRMAN EATON: SURE.

23 MEMBER JONES: AND ALONG WITH THAT, ALTERED TIRES
24 AND ALL THE DEFINITIONS THAT GO ALONG WITH IT.

1 CHAIRMAN EATON: AND A COMPLETE AND THOROUGH
2 REVIEW OF ALL THE DEFINITIONS AS IT RELATES TO THE
3 DEFINITION OF A TIRE.

4 MR. BLOCK: AND JUST TO CLARIFY,
5 THAT WOULD BE TO SUBMIT TO OAL SO WE COULD BEGIN THE 45-DAY
6 NOTICE.

7 CHAIRMAN EATON: CORRECT. WHICH IS AN AMENDMENT
8 TO RESOLUTION 1999-278.

9 MS. NAUMAN: MR. CHAIRMAN, I REALLY DON'T WANT TO
10 BELABOR THIS, BUT I FEEL IT'S NECESSARY THAT WE HAVE
11 COMPLETE CLARIFICATION, BECAUSE I'M SEEING SOME KIND OF
12 GLAZED LOOKS OVER HERE.

13 MEMBER PENNINGTON: I'LL TAKE CARE OF THAT AS SOON
14 AS THIS MOTION IS TAKEN CARE OF.

15 MS. NAUMAN: OKAY.

16 CHAIRMAN EATON: I THINK THAT'S PROBABLY DUE TO
17 THE LATENESS, WE HAVEN'T TAKEN A BREAK. AND THAT, YOU KNOW,
18 GROWLING IS TAKING PLACE WITHIN OUR STOMACHS. SO, THAT'S
19 PROBABLY DUE TO THAT FEELING THAN ANY KIND OF DISCOMFORT
20 OVER NOT KNOWING.

21 OKAY. WE HAVE A -- I THINK
22 MR. PENNINGTON MOVES, OR IS ABOUT TO MOVE.

23 MEMBER PENNINGTON: YES, I'LL MOVE.

24 MEMBER JONES: I'LL SECOND.

1 CHAIRMAN EATON: ALL RIGHT.

2 MR. PENNINGTON MOVES AND MR. JONES SECONDS THAT WE ADOPT
3 RESOLUTION 1999-278, THAT INCLUDED THE THREE ITEMS OF
4 SENATOR ROBERTI WHICH WERE PREVIOUSLY DESCRIBED, AS WELL AS
5 THE TWO OTHER DEFINITIONAL ITEMS THAT MR. JONES SPOKE OF, AS
6 WELL AS THE OTHER ITEMS FOR CONSIDERATION AT OUR JULY
7 MEETING.

8 OKAY. WITHOUT OBJECTION, IF WE CAN
9 SUBSTITUTE THE PREVIOUS ROLL CALL?

10 WITHOUT OBJECTION, SO SHALL BE ORDERED. ALL
11 RIGHT.

12 MEMBER PENNINGTON: MR. CHAIRMAN.

13 CHAIRMAN EATON: MR. PENNINGTON.

14 MEMBER PENNINGTON: I WOULD LIKE TO CLARIFY --

15 CHAIRMAN EATON: SURELY.

16 (MEMBER PENNINGTON SPEAKS OFF-MIKE.)

17 MEMBER PENNINGTON: -- FIRST MOTION WHEN I SAID
18 THAT ENFORCEMENT WOULD BE -- I'M REFERRING TO ENFORCEMENT
19 WHICH WOULD FALL UNDER THIS EMERGENCY TIRE REGULATION. SO I
20 HOPE YOU UNDERSTAND I'M NOT SUGGESTING THAT ALL ENFORCEMENT
21 ACTIONS BY THE BOARD BE CEASED, BUT ONLY FOR THOSE
22 PARTICULAR ITEMS THAT WERE JUST DISCUSSED.

23 OH, I GUESS I SHOULD TURN MY MICROPHONE ON.

24 CHAIRMAN EATON: WE NEED SOME FOOD FOR THOUGHT

1 HERE, MS. NAUMAN, YOU KNOW?

2 BUT, ALL RIGHTY, WE'RE ALMOST THROUGH. THE
3 PLANS ARE -- RIGHT NOW, AT 11:30, WITHOUT TAKING A BREAK, WE
4 DO HAVE ONE, TWO, THREE QUICK ITEMS THAT WILL COMPLETE THE
5 PERMITS, LEA AND FACILITY COMPLIANCE PART OF OUR AGENDA. SO
6 IF WE CAN MOVE THROUGH THOSE THAT WOULD BE GREAT.

7 AGENDA ITEM 4: CONSIDERATION OF APPROVAL TO FORMALLY
8 NOTICE PROPOSED REGULATIONS TO UPDATE ENFORCEMENT-RELATED
9 PROVISIONS IN TITLE 14

10 CHAIRMAN EATON: ITEM NO. 4.

11 MS. HAMBLETON: GOOD MORNING.

12 CHAIRMAN EATON: GOOD MORNING.

13 MS. HAMBLETON: MY NAME IS SUZANNE HAMBLETON FROM
14 THE PERMITTING AND INSPECTION BRANCH.

15 ITEM NO. 4 IS CONSIDERATION OF APPROVAL TO
16 FORMALLY NOTICE THE PROPOSED REGULATIONS TO UPDATED
17 ENFORCEMENT-RELATED PROVISIONS OF TITLE 14, AND THAT'S FOR
18 SOLID WASTE.

19 ATTACHMENT 1 FOR THIS ITEM THAT WAS ON THE
20 BOARD'S WEB PAGE WAS NOT THE LATEST VERSION OF THE
21 REGULATIONS, AND THERE ARE CORRECTED COPIES IN THE BACK OF
22 THE ROOM FOR THE MEMBERS OF THE PUBLIC.

23 THE PURPOSE OF THIS ITEM IS TO SEEK THE
24 BOARD'S APPROVAL TO BEGIN THE FORMAL RULE-MAKING PROCESS

1 WHICH COMMENCES WITH THE 45-DAY PUBLIC COMMENT PERIOD FOR
2 THESE ENFORCEMENT REGULATIONS.

3 THESE NEW ENFORCEMENT REGULATIONS WERE
4 DRAFTED TO INCLUDE CHANGES BROUGHT ABOUT BY THE PASSAGE OF
5 ASSEMBLY BILL 59 IN 1995, AND OTHER UPDATES TO TITLE 27 AND
6 TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS.

7 A WORK GROUP OF LOCAL ENFORCEMENT AGENCIES,
8 OTHERWISE KNOWN AS LEAS, AND STAFF DRAFTED AN INITIAL SET OF
9 REGULATIONS THAT WERE TAKEN TO SOLICIT PUBLIC COMMENT AT TWO
10 WORKSHOPS THROUGHOUT THE STATE. THE REGS WERE ALSO
11 DISCUSSED AT THE LEA ROUND-TABLES THROUGHOUT THE STATE. THE
12 COMMENTS WERE INCORPORATED INTO THE DRAFT THAT IS BEFORE YOU
13 TODAY.

14 THE REGULATIONS ADDRESS LEA DUTIES AND
15 RESPONSIBILITIES. SPECIFICALLY, HOW THE LEA HANDLES
16 COMPLAINTS OF ALLEGED VIOLATIONS, INVESTIGATIONS OF THESE
17 COMPLAINTS, USES OF NOTICING ORDERS, ENUMERATED (PHON)
18 ENFORCEMENT ACTIONS, EMERGENCY ACTIONS BY THE LEA AND THE
19 BOARD. AND, LASTLY, THE REGS PROVIDE FOR THE BOARD TO TAKE
20 ENFORCEMENT ACTION SHOULD THE LEA FAIL TO.

21 THAT COMPLETES STAFF'S PRESENTATION.

22 CHAIRMAN EATON: ANY QUESTIONS?

23 I JUST HAVE ONE. ARE THESE
24 CHANGES -- DO WE HAVE ANY CHANGES INCLUDED IN THEM AS A

1 RESULT OF THE BILL THAT WAS VETOED LAST YEAR? DEALING WITH
2 LEA....

3 MS. HAMBLETON: I CAN'T -- I'M SEEING MY COLLEAGUE
4 SAYING NO.

5 CHAIRMAN EATON: I NOTICE IT AFFECTS THE AB 59.
6 THERE WAS A BILL LAST YEAR THAT WAS PUT IN THE LEGISLATURE
7 LATE THAT WAS VETOED BECAUSE THERE WAS A CONFLICT. AND I
8 WAS JUST WONDERING, ARE THERE ANY PROVISIONS IN HERE THAT
9 RELATE TO THAT? I JUST DON'T KNOW. AND I'M JUST ASKING.
10 I MEAN, WAS THE ROUND-TABLE SUBSEQUENT TO IT?

11 BECAUSE I KNOW IT DEALS WITH ISSUES OF NOTICE AND ORDERS,
12 THREATENS TO CAUSE A CONDITION OF HAZARD, POLLUTION OR
13 NUISANCE. REMEMBER WE HAD SOME -- AN ISSUE WITH LANGUAGE?
14 I JUST WANT TO MAKE SURE THAT WE'RE NOT ADOPTING REGULATIONS
15 THAT WERE PART OF A CONTROVERSIAL ISSUE WHICH HAS YET TO BE
16 RESOLVED.

17 I DON'T KNOW, I'M JUST SIMPLY ASKING.

18 MS. HAMBLETON: I DON'T HAVE THE ANSWER TO THAT
19 QUESTION EITHER.

20 (THE PARTIES SIMULTANEOUSLY SPEAK.)

21 MEMBER JONES: WHAT PAGE ARE YOU ON?

22 CHAIRMAN EATON: I'M ON PAGE 10 OF THE REGULATION.

23 MEMBER JONES: THIS LANGUAGE ACTUALLY WHAT WAS IT
24 WAS CHANGED TO.

1 CHAIRMAN EATON: YEAH, I DON'T REMEMBER, I'M JUST
2 --

3 MEMBER JONES: NO, IT'S A GOOD --

4 CHAIRMAN EATON: -- TRYING TO FIND SOME
5 CLARIFICATION.

6 MEMBER JONES: IT'S A GOOD FIND. BECAUSE, WHAT
7 THE BILL HAD SAID WAS ANY THREAT, OR ANY -- NO, IT WASN'T
8 EVEN SUBSTANTIAL. IT WAS LIKE ANY INDICATION THAT THERE
9 COULD BE -- A PERCEIVED, THE WORD WAS "PERCEIVED," WHICH
10 MEANT LITTER, SITE, THERE WAS ALL SORTS OF CONDITIONS WITH
11 THAT.

12 AND THE FACT THAT THIS IS NOT PERCEIVED, IT'S
13 ACTUAL, AND THAT IT DETERMINES THAT IT'S IN (PHONETIC), I
14 THINK THAT WAS A HUGE PART OF THE CONTENTION.

15 THE OTHER WAS THAT THE -- RIGHT
16 NOW THE LAW ALLOWS \$5,000 FINES THROUGH AB 59. THIS DOESN'T
17 CHANGE THAT, THIS STAYS THE SAME. I THINK THAT BILL WANTED
18 THE RIGHT TO GO UP TO 20 GRAND OR 25 GRAND, IT WAS A HECK OF
19 A LOT OF MONEY. BECAUSE IT WAS ANY THREE VIOLATIONS,
20 AND IF THOSE THREE VIOLATIONS WERE PRETTY MINOR IT'S -- IT
21 WAS A PROBLEM. SO, THOSE ARE OUT.

22 I LOOKED AT THESE, I DIDN'T --

23 CHAIRMAN EATON: THE OFF-SITE LITTER, DID YOU LOOK
24 AT --

1 MEMBER JONES: RIGHT.

2 CHAIRMAN EATON: OKAY. I JUST WANTED TO MAKE SURE
3 THAT WE WEREN'T GOING IN JUST -- THERE'S NOTHING THERE, BUT
4 THERE WAS A BILL LAST YEAR THAT CREATED SOME CONTROVERSY AT
5 THE END OF THE LEGISLATIVE SESSION THAT WERE ITEMS THAT THE
6 WORKING GROUP -- THE PREVIOUS WORKING GROUP HAD WORKED ON,
7 AND THAT THERE WAS SOME THINGS, AND THE BILL WAS VETOED, AND
8 IT WAS OVER SOME PARTICULAR LANGUAGE.

9 I JUST WANTED TO MAKE SURE THAT WE WEREN'T
10 PUTTING SOME OF THAT IN OUR REGULATIONS AND, THEREFORE,
11 CAUSING OURSELVES MUCH FURTHER GRIEF UNTIL THAT ISSUE HAS
12 RESOLVED ITSELF. BUT, YOU KNOW, I WAS JUST ASKING THE
13 QUESTION JUST FOR CLARIFICATION PURPOSES.

14 MS. HAMBLETON: AND I CAN CERTAINLY CHECK ON THAT
15 AND MAKE SURE THAT WE'RE NOT DOING THAT.

16 MEMBER PENNINGTON: MR. CHAIRMAN, I'LL MOVE
17 ADOPTION OF -- I DON'T HAVE A RESOLUTION --

18 MS. HAMBLETON: ACTUALLY, THERE IS NO RESOLUTION,
19 BECAUSE THIS IS GOING OUT FOR THE --

20 MEMBER PENNINGTON: OH. YEAH, OKAY.

21 CHAIRMAN EATON: -- 45-DAY COMMENT PERIOD.

22 MEMBER PENNINGTON: I'LL MOVE WE SUBMIT THESE FOR
23 45-DAY COMMENT.

24 MEMBER JONES: I'LL SECOND.

1 CHAIRMAN EATON: ALL RIGHTY.

2 MR. PENNINGTON MOVES AND MR. JONES SECONDS THAT THE
3 CONSIDERATION OF APPROVAL TO FORMALLY NOTICE PROPOSED
4 REGULATIONS TO UPDATE ENFORCEMENT-RELATED PROVISIONS IN
5 TITLE 14 BE ADOPTED.

6 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
7 PREVIOUS ROLL CALL. HEARING NO OBJECTIONS, SO SHALL BE
8 ORDERED.

9 AGENDA ITEM 9: CONSIDERATION OF A REVISED SOLID WASTE
10 FACILITY PERMIT FOR THE FORWARD LANDFILL, SAN JOAQUIN COUNTY

11 CHAIRMAN EATON: ITEM 9.

12 MR. KEFFER: GOOD MORNING MR. CHAIRMAN AND MEMBERS
13 OF THE BOARD. MY NAME IS MICHAEL KEFFER, I AM HERE THIS
14 MORNING REPRESENTING THE PERMITTING AND INSPECTION BRANCH.
15 SEATED AT THE TABLE IN FRONT OF YOU IS MR. ROBERT MCCLELLAN,
16 REPRESENTING SAN JOAQUIN COUNTY LOCAL ENFORCEMENT AGENCY.

17 AGENDA ITEM NO. 9 REQUESTS THAT THE BOARD'S
18 CONSIDERATION OF A REVISION TO THE SOLID WASTE FACILITY
19 PERMIT FOR FORWARD LANDFILL LOCATED IN SAN JOAQUIN COUNTY.

20 FORWARD LANDFILL IS AN EXISTING CLASS II AND
21 CLASS III LANDFILL, PRESENTLY OPERATING UNDER A 1994 SOLID
22 WASTE FACILITY PERMIT WHICH ALLOWS A MAXIMUM DAILY TONNAGE
23 OF 4,180 TONS. UNDER THE 1994 PERMIT THE BOARD IS PERMITTED
24 TO ACCEPT NUMEROUS DESIGNATED WASTES, INCLUDING PETROLEUM-

1 CONTAMINATED SOIL, SLUDGE, AND ASH. THE MAXIMUM NUMBER OF
2 VEHICLES ALLOWED TO TRANSPORT WASTE TO FORWARD EACH DAY IS
3 435.

4 DURING THE PAST FIVE YEARS THE OPERATOR HAS
5 DETERMINED THE AVERAGE WEIGHT OF VEHICLES ARRIVING AT
6 FORWARD TO BE GREATER THAN ORIGINALLY ESTIMATED. THIS
7 INCREASE IN WEIGHT PER VEHICLE IS THE RESULT OF DENSER WASTE
8 MATERIALS BEING TRANSPORTED TO FORWARD, MORE SPECIFICALLY
9 CONTAMINATED SOIL AND SLUDGE.

10 FORWARD HAS PROPOSED A REVISION TO THEIR
11 SOLID WASTE FACILITY PERMIT, INCREASING THE MAXIMUM DAILY
12 TONNAGE TO 6,680 TONS. NO INCREASE IN THE NUMBER OF VEHICLE
13 IS REQUESTED IN THE REVISED PERMIT.

14 BOARD STAFF CONDUCTED A PRE-PERMIT INSPECTION
15 ON JUNE 9TH, 1999, ACCOMPANIED BY
16 MR. MCCLELLAN AND MR. BUTCH STEPHANIE (PHON), THE OPERATIONS
17 MANAGER AT FORWARD LANDFILL. NO VIOLATIONS OF STATE MINIMUM
18 STANDARDS WERE OBSERVED DURING THE INSPECTION. STAFF ALSO
19 REVIEWED THE LEA INSPECTION RECORDS FOR FORWARD OVER THE
20 PAST TWO YEARS AND FOUND NO VIOLATIONS OF STATE MINIMUM
21 STANDARDS HAD BEEN INDICATED.

22 THE SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT
23 DEPARTMENT, ACTING AS LEAD AGENCY, PREPARED A MITIGATED
24 NEGATIVE DECLARATION FOR THE PROPOSED INCREASE IN THE

1 MAXIMUM DAILY TONNAGE AT FORWARD AND HAD IT DISTRIBUTED TO
2 ALL INTERESTED PARTIES.

3 THE BOARD'S CEQA STAFF, AFTER REVIEWING THE
4 MITIGATED NEGATIVE DECLARATION PREPARED AND SENT A LETTER TO
5 THE STATE CLEARINGHOUSE AND TO THE LEAD AGENCY DATED JANUARY
6 13TH, 1999, WITH NO COMMENTS ON THE MITIGATED NEGATIVE
7 DECLARATION OR THE PROJECT PROPOSAL.

8 THE FINANCIAL ASSURANCE MECHANISMS FOR
9 FORWARD LANDFILL WERE EVALUATED BY BOARD STAFF AND
10 DETERMINED TO BE ADEQUATE FOR CLOSURE/POST-CLOSURE
11 MAINTENANCE AND FOR OPERATING LIABILITY.

12 FINDINGS OF CONFORMANCE WITH THE SAN JOAQUIN
13 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN APPROVED BY THE
14 BOARD IN MARCH OF 1997 WAS DEFERRED TO THE OFFICE OF LOCAL
15 ASSISTANCE.

16 MR. ZANE POULSON WILL REPRESENT -- OR, EXCUSE ME, WILL
17 PRESENT THEIR FINDINGS AT THIS TIME.

18 MR. POULSON: GOOD MORNING CHAIRMAN EATON AND
19 MEMBERS OF THE BOARD. I'M ZANE POULSON WITH THE OFFICE OF
20 LOCAL ASSISTANCE, CENTRAL SECTION.

21 AFTER REVIEWING THE COUNTY'S SITING ELEMENT
22 AND THE PROPOSED PERMIT REVISION, STAFF AND THE OFFICE OF
23 LOCAL ASSISTANCE HAVE MADE THE FOLLOWING FINDINGS.

24 THE SITING ELEMENT STATES THAT THE FACILITY

1 RECEIVES A MAXIMUM DAILY TONNAGE OF 4,180 TONS PER DAY, THE
2 PROPOSED PERMIT IS FOR 6,680 TONS PER DAY. AND THE SITING
3 ELEMENT DOES NOT DISCUSS ANY PLANS FOR EXPANDING THE
4 FACILITY.

5 BOARD STAFF, THEREFORE, CONCLUDE THE PROPOSED
6 PERMIT IS NOT CONSISTENT WITH THE COUNTY'S SITING ELEMENT.

7 BASED ON THE BOARD'S DIRECTION AT THE JANUARY
8 21ST, 1999, BOARD MEETING, PRIOR TO ADOPTING A POLICY ON
9 PUBLIC RESOURCES CODE SECTION 50001, THE BOARD WILL
10 CONSIDER, AMONG OTHER THINGS, THE EFFECT OF THE CHANGES ON
11 THE COUNTY'S 15-YEAR DISPOSAL CAPACITY WHEN CONSIDERING A
12 REVISED PERMIT. ACCORDING TO BOARD STAFF REVIEW, SAN
13 JOAQUIN COUNTY WILL CONTINUE TO MAINTAIN 15 YEARS OF
14 COMBINED EXISTING AND PLANNED DISPOSAL CAPACITY.

15 I ALSO WANT TO NOTE THAT IF THE BOARD CONCURS
16 IN THE PROPOSED PERMIT REVISION, THE RESOLUTION, AS IT IS
17 CURRENTLY WRITTEN, WILL BE REVISED TO REFLECT THE BOARD'S
18 DIRECTION TO STAFF RELATED TO THE CONFORMANCE FINDINGS.
19 SPECIFICALLY, THE LAST "WHEREAS" WILL STAY:

20 "WHEREAS, THE BOARD FINDS THAT ALL STATE AND
21 LOCAL REQUIREMENTS FOR THE PROPOSED PERMIT HAVE
22 BEEN MET, INCLUDING CONSISTENCY WITH THE BOARD'S
23 STANDARDS, CONFORMANCE WITH THE INTENT OF THE
24 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN SITING

1 ELEMENT, TO PROVIDE 15 YEARS OF DISPOSAL CAPACITY
2 FOR THE COUNTY, AND COMPLIANCE WITH CEQA."

3 IN CONCLUSION, THE PERMIT REVISION IS NOT
4 CONSISTENT WITH THE SITING ELEMENT AND THE DECISION OF
5 CONFORMANCE IS LEFT TO THE BOARD.

6 CHAIRMAN EATON: ANY QUESTIONS OF OUR STAFF OR MR.
7 POULSON?

8 MEMBER PENNINGTON: MR. CHAIRMAN.

9 CHAIRMAN EATON: MR. PENNINGTON.

10 MEMBER PENNINGTON: THE COUNTY APPROVED THIS,
11 THOUGH, CORRECT? THE COUNTY HAS APPROVED THIS PERMIT
12 REVISION?

13 MEMBER PENNINGTON: OKAY.

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN EATON: MR. JONES.

16 MEMBER JONES: THIS GOES TO WHAT WE'RE GOING TO BE
17 WORKING ON IN TWO DAYS, ABOUT WHAT IS AN EXPANSION.

18 THERE'S THE SAME NUMBER OF VEHICLES THAT ARE
19 COMING IN, WE'RE NOT ADDING VEHICLES. WE'RE NOT ADDING ANY
20 LATERAL -- ANY CHANGE TO THE FOOTPRINT. WE'RE JUST
21 RECOGNIZING THAT THE WASTE STREAM DOESN'T WEIGH 650 POUNDS
22 PER COMPACTED CUBIC YARD, BUT, IN FACT, WEIGHS A TON PER
23 YARD BECAUSE IT IS DIRT.

24 AND SO, REALLY THE ISSUE -- AND BELIEVE ME,

1 ZANE, YOUR CONFORMANCE FINDING WORKS FOR ME. IT MAKES
2 SENSE, YOU ARE FOLLOWING OUR DIRECTION.

3 BUT, THOSE ARE REALLY THE DIFFERENCES.
4 BECAUSE THEY DIDN'T SAY 6,000-WHATEVER THE TONS WERE IN THE
5 SITING ELEMENT MAKES IT NOT IN COMPLIANCE WITH THE -- NOT IN
6 CONFORMANCE WITH THE SITING ELEMENT. CORRECT?

7 MR. POULSON: YES.

8 MEMBER JONES: THANKS.

9 MR. CHAIRMAN?

10 CHAIRMAN EATON: YES.

11 MEMBER JONES: IF THERE'S NOBODY ELSE TO TALK?

12 CHAIRMAN EATON: DO YOU HAVE THAT LITTLE AMENDMENT
13 WRITTEN?

14 MR. POULSON: YES, I DO.

15 CHAIRMAN EATON: OKAY. COULD YOU BRING IT HERE SO
16 MR. JONES CAN --

17 MEMBER JONES: CAN YOU BRING THAT HERE, SO HE
18 DOESN'T MAKE ME MAKE THIS UP AND REPEAT IT?

19 CHAIRMAN EATON: I WANT TO BE EXACT PRETTY MUCH ON
20 POINT.

21 (THE PARTIES SIMULTANEOUSLY SPEAK.)

22 MEMBER JONES: ALL RIGHT. MR. CHAIRMAN, I WOULD
23 LIKE TO MOVE ADOPTION OF RESOLUTION -- YEAH, THANKS, AT
24 LEAST YOU ASKED FOR A COPY THIS TIME, USUALLY YOU MAKE ME

1 REREAD THEM -- RESOLUTION 1999-259, TO INCLUDE ON THE LAST
2 "WHEREAS":

3 "WHEREAS, THE BOARD FINDS THAT ALL STATE AND
4 LOCAL REQUIREMENTS FOR THE PROPOSED PERMIT HAVE
5 BEEN MET, INCLUDING CONSISTENCY WITH THE BOARD'S
6 STANDARDS, CONFORMANCE WITH THE INTENT OF THE
7 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN SITING
8 ELEMENT, TO PROVIDE 15 YEARS OF DISPOSAL CAPACITY
9 FOR THE COUNTY, AND COMPLIANCE WITH CEQA."

10 THE CALIFORNIA ENVIRONMENTAL QUALITY.

11 CHAIRMAN EATON: ACT.

12 MEMBER JONES: ACT.

13 MEMBER PENNINGTON: I'LL SECOND IT.

14 CHAIRMAN EATON: ALL RIGHTY. MR. JONES MOVES AND
15 MR. PENNINGTON SECONDS THAT WE ADOPT RESOLUTION 1999-259, AS
16 AMENDED.

17 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
18 ROLL?

19 THE SECRETARY: BOARD MEMBERS JONES?

20 MEMBER JONES: AYE.

21 THE SECRETARY: PENNINGTON?

22 MEMBER PENNINGTON: AYE.

23 THE SECRETARY: ROBERTI?

24 MEMBER ROBERTI: AYE.

1 THE SECRETARY: CHAIRMAN EATON?

2 CHAIRMAN EATON: AYE.

3 AGENDA ITEM 10: CONSIDERATION OF A REVISED SOLID WASTE
4 FACILITY PERMIT FOR THE TEHACHAPI SANITARY LANDFILL, KERN
5 COUNTY

6 CHAIRMAN EATON: ITEM NO. 10, THE LAST ITEM WITHIN
7 THE CATEGORY OF PERMITS.

8 MS. ROSALES: GOOD MORNING BOARD MEMBERS AND MR.
9 CHAIRMAN. I'M VIRGINIA ROSALES WITH THE PERMITTING AND
10 INSPECTION BRANCH. PRESENT FROM THE LEA'S OFFICE IS MR.
11 MIKE NECO (PHON), CHIEF ENVIRONMENTAL HEALTH OFFICER WITH
12 THE KERN COUNTY ENVIRONMENTAL HEALTH SERVICES.

13 AGENDA ITEM NO. 10 IS A REVISED PERMIT FOR
14 THE Tehachapi SANITARY LANDFILL. THE FACILITY HAS BEEN IN
15 OPERATION SINCE 1973, WAS PERMITTED IN 1978, AND IS
16 CURRENTLY OPERATING UNDER THAT EXISTING PERMIT. THE
17 FACILITY IS OWNED AND OPERATED BY THE KERN COUNTY WASTE
18 MANAGEMENT DEPARTMENT.

19 IN SUMMARY, THE PROPOSED CHANGES ARE: TO
20 INCREASE THE PERMITTED TONNAGE FROM 32 TONS PER DAY TO 370
21 TONS PER DAY; INCREASE THE PERMITTED AREA FROM 40 ACRES TO
22 145 ACRES AND, MORE SIGNIFICANTLY, DEFINE THE DISPOSAL
23 FOOTPRINT TO BE 31.7 ACRES; THE ENLARGEMENT OF THE PERMITTED
24 AREA IS TO ALLOW FOR A BUFFER, SOIL (INDISCERNIBLE),

1 DRAINAGE IMPROVEMENTS, AND INSTALLATION OF THE ENVIRONMENTAL
2 MONITORING EQUIPMENT; CHANGE THE HOURS OF OPERATION, CHANGE
3 THE NAME OF THE OPERATOR FROM KERN COUNTY PUBLIC WORKS
4 DEPARTMENT TO KERN COUNTY WASTE MANAGEMENT DEPARTMENT; THE
5 ADDITION OF THE GATE HOUSE; GAS AND GROUND WATER MONITORING;
6 A LOAD-CHECKING PROGRAM; SPECIFY THE USE OF TARPS AS
7 ALTERNATIVE DAILY COVER; AND, SPECIFY THE FACILITY PRIMARILY
8 RECEIVES RESIDUAL WASTE FROM THE Tehachapi MATERIALS
9 RECOVERY FACILITY.

10 AS AN UPDATE TO THE AGENDA ITEM, STAFF HAVE
11 NOW DETERMINED THAT THE RDSI IS COMPLETE, AS CERTIFIED BY
12 THE LEA; THE OPERATING LIABILITY IS ACCEPTABLE; AND, THE
13 CLOSURE FUND IS ADEQUATELY FUNDED. THE ENVIRONMENTAL
14 DOCUMENTS PREPARED FOR THE PROPOSED PROJECT ARE ADEQUATE FOR
15 THE BOARD'S EVALUATION OF THE PROPOSED PROJECT.

16 ANOTHER MATTER TO BE DETERMINED WAS
17 CONFORMANCE WITH THE COUNTY'S INTEGRATED WASTE MANAGEMENT
18 PLAN. STAFF FROM THE OFFICE OF LOCAL ASSISTANCE WILL
19 ADDRESS THIS MATTER MOMENTARILY.

20 IN CONCLUSION, WE ARE UNABLE TO FORMULATE A
21 RECOMMENDATION BASED UPON STAFF'S DETERMINATION OF THE
22 CONFORMANCE FINDING. HOWEVER, IF THE BOARD FINDS
23 CONFORMANCE WITH THE INTENT OF THE COUNTYWIDE INTEGRATED
24 WASTE MANAGEMENT PLAN, STAFF HAVE -- STAFF FIND THE PROPOSED

1 PERMIT IS ACCEPTABLE FOR YOUR CONSIDERATION OF CONCURRENCE.

2 CONSIDERING THAT POSSIBILITY, WE HAVE
3 PREPARED A PROPOSED RESOLUTION NO. 1999-260, FOR CONCURRENCE
4 IN THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT 15-AA-0062.

5 I BELIEVE ALL OF YOU HAVE RECEIVED COPIES OF THAT
6 RESOLUTION, AND COPIES ARE ON THE BACK TABLE.

7 CHAIRMAN EATON: ANY QUESTIONS OF STAFF? OKAY.

8 MS. ROSALES: I WILL MENTION, ALSO, THAT MS. NANCY
9 EVERT FROM THE OPERATOR IS ALSO --

10 CHAIRMAN EATON: RIGHT.

11 MS. ROSALES: -- PRESENT IN THE AUDIENCE, IF YOU
12 HAVE ANY QUESTIONS.

13 CHAIRMAN EATON: WE'RE JUST LOOKING FOR THE
14 RESOLUTIONS THAT WERE -- THAT YOU HAD MENTIONED.

15 (SOME MEMBERS CONFER OFF-MIKE.)

16 CHAIRMAN EATON: WE HAVE THE OPERATOR, IN CASE --
17 I JUST -- WE'RE READY TO MOVE THE ITEM, I BELIEVE, AFTER
18 EVERYONE'S LOOKED AT THE RESOLUTION.

19 MS. EVERT, DO YOU CARE TO STILL SPEAK, OR --

20 MS. EVERT: YES.

21 CHAIRMAN EATON: OKAY. THEN WHILE EVERYONE'S KIND
22 OF GETTING A CHANCE TO LOOK AT THAT RESOLUTION IT MIGHT BE -
23 -

24 MS. EVERT: CHAIRMAN EATON, MEMBERS OF THE BOARD,

1 THE KERN COUNTY WASTE MANAGEMENT DEPARTMENT IS VERY PLEASED
2 TO BRING THE Tehachapi REVISED SOLID WASTE FACILITIES PERMIT
3 BEFORE YOU.

4 YOU MAY RECALL OVER THE LAST SEVERAL YEARS
5 KERN COUNTY HAS BROUGHT SIX PERMITS BEFORE YOU, Tehachapi IS
6 THE SEVENTH. AND WE LOOK FORWARD TO BRINGING THE MOJAVE
7 SANITARY LANDFILL BEFORE YOU SOMETIME IN THE NEXT YEAR.
8 THAT WILL COMPLETE UPDATING ALL OF OUR 1978 PERMITS, AND
9 WE'LL BE VERY HAPPY WHEN THAT IS ACCOMPLISHED.

10 THE Tehachapi SANITARY LANDFILL. WE HAVE
11 INCREASED THE LANDFILL FACILITY BOUNDARY, AND THAT IS TO
12 INCLUDE DETENTION BASINS, DRAINAGE IMPROVEMENTS, TO BE ABLE
13 TO PUT IN OUR UPGRADING IN GROUND WATER MONITORING POINTS,
14 AND ALSO SOME GAS MONITORING POINTS.

15 THE LANDFILL FOOTPRINT WILL REMAIN THE SAME.
16 THE 31.7 ACRES, THAT HAS BEEN OUR -- PERMITTED SINCE 1978.
17 WE WILL BE OPERATING WITHIN THAT SAME PERMIT. AND OUR
18 LANDFILL WILL CLOSE SOMETIME AROUND THE YEAR 2007.

19 THE PERMIT CAPACITY HAS INCREASED ON A
20 AVERAGE DAILY TONNAGE, AND THAT IS SO THAT WE CAN INCLUDE
21 ADDITIONAL WASTE THAT IS COMING, AND COMING THROUGH THE
22 Tehachapi RECYCLING FACILITY. IT HAS INCREASED THE WASTE
23 SHED THAT IS ALLOWED TO COME THROUGH Tehachapi RECYCLING,
24 AND THEN WITH RESIDUALS BEING DISPOSED OF AT THE Tehachapi

1 LANDFILL.

2 AND, WE'VE HAD CONCURRENT DROPS IN OUR BORON
3 LANDFILL AND OUR MOJAVE LANDFILL AS WE BRING THE WASTE
4 THROUGH THE MOJAVE -- EXCUSE ME, THROUGH THE Tehachapi
5 RECYCLING FACILITY, AND THEN TO THE Tehachapi LANDFILL.

6 SOUTHEAST KERN COUNTY IS NOW ACHIEVING 60 TO
7 70% DIVERSION BECAUSE OF THIS FACILITY, AND WE THINK IT'S A
8 WIN-WIN FOR THE REGION, AND FOR KERN COUNTY DIVERSION
9 OVERALL.

10 SO, WE THANK YOU FOR LOOKING AT OUR PERMIT,
11 AND LOOK FORWARD TO, HOPEFULLY, HAVING CONCURRENCE ON IT.
12 THANK YOU VERY MUCH. IF YOU HAVE ANY QUESTIONS I'LL BE
13 HAPPY TO ANSWER THEM.

14 CHAIRMAN EATON: DO WE NEED AN EXPLANATION ON THE
15 CONFORMANCE ISSUE? JUST TO BRING THE ISSUE -- AS WE DID IN
16 THE LAST --

17 MS. NAUMAN: I THINK JUST TO MAKE THE RECORD
18 COMPLETE.

19 CHAIRMAN EATON: OKAY, LET'S DO THAT THEN.

20 MR. POULSON: GOOD MORNING AGAIN, I'M ZANE POULSON
21 OF THE OFFICE OF LOCAL ASSISTANCE, CENTRAL SECTION.

22 AND AFTER REVIEWING THE COUNTY'S SITING
23 ELEMENT FOR THE PROPOSED REVISION, AND THE PROPOSED
24 REVISION, STAFF AND THE OFFICE OF LOCAL ASSISTANCE HAVE MADE

1 THE FOLLOWING FINDINGS.

2 IN THE SITING ELEMENT IT
3 DESCRIBES THE FACILITY AS A 40-ACRE FACILITY
4 WHICH RECEIVES 32 TONS PER DAY. AND THE SITING ELEMENT DOES
5 NOT DISCUSS ANY EXPANSIONS OF THIS FACILITY. AND THE
6 DESCRIPTION OF THE SITING ELEMENT IS THE SAME AS THE
7 DESCRIPTION IN THE CURRENT PERMIT, BUT IT DIFFERS FROM THE
8 DESCRIPTION IN THE PROPOSED REVISION.

9 AND, THEREFORE, BOARD STAFF CONCLUDES THAT
10 THE PROPOSED PERMIT IS NOT CONSISTENT WITH THE KERN COUNTY
11 SITING ELEMENT. AND, BASED ON THE BOARD'S DIRECTION IN THE
12 JANUARY 21ST, 1999, BOARD MEETING, PRIOR TO ADOPTING A
13 POLICY ON PUBLIC RESOURCES CODE SECTION 50001, THE BOARD
14 WILL CONSIDER, AMONG OTHER THINGS, THE EFFECT ON THE
15 COUNTY'S -- OF THE CHANGE ON THE COUNTY'S 15-YEAR DISPOSAL
16 CAPACITY IN CONSIDERING THE REVISED PERMIT.

17 ACCORDING TO THE BOARD STAFF'S REVIEW, KERN
18 COUNTY WILL CONTINUE TO MAINTAIN 15 YEARS OF COMBINED
19 EXISTING AND PLANNED DISPOSAL CAPACITY. BECAUSE THE
20 ADDITIONAL WASTE IS EXPECTED TO BE DIVERTED FROM OTHER
21 LANDFILLS WITHIN KERN COUNTY, SPECIFICALLY THE MOJAVE, AND
22 THE BORON LANDFILLS, AND WASTE BEING RECEIVED AT THE
23 Tehachapi LANDFILL IS FIRST DIVERTED THROUGH THE Tehachapi
24 MATERIALS RECOVERY FACILITY, THE COUNTY'S DISPOSAL CAPACITY

1 IS NOT EXPECTED TO DECREASE, AND MAY ACTUALLY INCREASE AS A
2 RESULT THE PERMIT.

3 IN CONCLUSION, THE PERMIT REVISION IS NOT
4 CONSISTENT WITH THE SITING ELEMENT, AND THE DECISION OF
5 CONFORMANCE IS LEFT TO THE BOARD.

6 CHAIRMAN EATON: QUESTIONS?

7 MEMBER PENNINGTON: MR. CHAIRMAN?

8 CHAIRMAN EATON: MR. PENNINGTON.

9 MEMBER PENNINGTON: SINCE DAPHNE WASHINGTON, THE
10 DIRECTOR OF THE KERN COUNTY WASTE MANAGEMENT DIVISION, IS AN
11 OLD RACING BUDDY OF MINE, I'D LIKE TO MOVE ADOPTION OF
12 RESOLUTION 260.

13 CHAIRMAN EATON: I THINK THAT'S A
14 WELL-ADVISED MOVE. OKAY.

15 AND I'LL SECOND THE ADOPTION OF RESOLUTION
16 1999-260.

17 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
18 ROLL?

19 THE SECRETARY: BOARD MEMBERS JONES?

20 MEMBER JONES: AYE.

21 THE SECRETARY: PENNINGTON?

22 MEMBER PENNINGTON: AYE.

23 THE SECRETARY: ROBERTI?

24 MEMBER ROBERTI: AYE.

1 THE SECRETARY: CHAIRMAN EATON?

2 CHAIRMAN EATON: AYE.

3 ALL RIGHT, LADIES AND GENTLEMEN, IT'S ABOUT
4 FIVE TO 12:00, THAT COMPLETES THIS MORNING'S WORK.

5 ONE OTHER ITEM THAT YOU SHOULD BE AWARE OF,
6 ITEM NO. 17 HAS ALSO BEEN PULLED FOR THIS AFTERNOON'S
7 SESSION. ITEM 17 HAS BEEN PULLED. SO, WE COME BACK AT
8 1:30. WE
9 WILL TAKE UP WITH ITEM NO. 12, WHICH IS THE CONSIDERATION OF
10 THE TIRE REPORT.

11 WE STAND IN RECESS UNTIL 1:30.

12 (WHEREUPON, THE LUNCHEON RECESS IS TAKEN.)

13 - - - -

14

1 AFTERNOON SESSION

2 -- o0o --

3 CHAIRMAN EATON: WELCOME BACK EVERYONE. HOPEFULLY
4 YOU HAD A LIGHT LUNCH, IN THE HEAT.

5 BEFORE WE BEGIN I WILL ASK ANY OF MY
6 COLLEAGUES IF THEY HAVE ANY EX PARTES TO REPORT.

7 MEMBER JONES: YES, MR. CHAIRMAN, I DO.

8 CHAIRMAN EATON: THERE'S NO HIDDEN MEANING THAT WE
9 DIDN'T WANT TO HEAR FROM YOU.

10 MEMBER JONES: MINE ARE QUICK. I FORGOT PAUL RYAN
11 THIS MORNING ON SOME BASE-YEAR AND SOME DISPOSAL REPORTING
12 ISSUES.

13 AND THEN TWO MINUTES AGO CHUCK HELGUT (PHON)
14 REALLY QUICKLY ON THE WORKSHOP THAT WE'RE HAVING THURSDAY.
15 AND CHUCK WHITE ON MY FAVORITE SUBJECT LATELY, INERTS.

16 CHAIRMAN EATON: ANYONE ELSE?

17 I JUST HAD A QUICK HELLO TO CHUCK HELGUT --

18 MEMBER PENNINGTON: ME TOO.

19 CHAIRMAN EATON: -- BUT NOTHING OF ANY REAL....
20 ALL RIGHTY.

21 //

22 //

23 //

24 LEGISLATION:

1 AGENDA ITEM 12: CONSIDERATION AND APPROVAL OF THE
2 FINAL REPORT ON THE CALIFORNIA WASTE TIRE PROGRAM IN
3 RESPONSE TO THE REQUIREMENTS OF AB 117 (ESCUTIA)

4 CHAIRMAN EATON: WE'LL GO RIGHT TO OUR AGENDA ITEM
5 NO. 12, CONSIDERATION AND APPROVAL OF THE FINAL REPORT ON
6 THE CALIFORNIA WASTE TIRE PROGRAM IN RESPONSE TO THE
7 REQUIREMENTS OF ASSEMBLY BILL 117.

8 MR. FITZGERALD: MR. CHAIRMAN --

9 CHAIRMAN EATON: BEFORE YOU BEGIN, I JUST REMIND
10 ANYONE WHO WOULD LIKE TO SPEAK ON ANY OF THE MATTERS THAT
11 ARE GOING TO COME BEFORE THE BOARD THIS AFTERNOON, IF YOU'LL
12 KINDLY JUST FILL OUT A SLIP IN THE BACK AND BRING IT FORWARD
13 WITH THE AGENDA ITEM IN THE UPPER RIGHT-HAND CORNER AND GIVE
14 IT TO MS. DOMINGUEZ, WHO'S ON MY LEFT AND TO YOUR RIGHT, AND
15 SHE'LL MAKE SURE THAT I GET IT AND BE ABLE TO RECOGNIZE YOU
16 AT THE APPROPRIATE TIME.

17 SORRY.

18 MR. FITZGERALD: MR. CHAIRMAN, MEMBERS OF THE
19 BOARD, IT LOOKS LIKE WE'VE FINALLY ARRIVED AT THE
20 CONSIDERATION OF THE FINAL REPORT ON THE TIRE PROGRAM. THIS
21 REPORT IS DUE AT THE LEGISLATURE AND THE GOVERNOR ON THE
22 30TH OF JUNE, SO WE HAVE A WEEK AFTER TODAY'S MEETING.

23 MEMBER JONES: WHO ARE YOU?

24 MR. FITZGERALD: I'M BYRON FITZGERALD WITH THE

1 INTEGRATED WASTE MANAGEMENT BOARD.

2 CHAIRMAN EATON: THEY GET AWFULLY BOLD, DON'T
3 THEY, ONCE THEY MOVE INTO A SPECIAL CATEGORY.

4 MR. FITZGERALD: I KNEW THERE WAS SOMETHING I'D
5 MISSED THERE.

6 TODAY I DON'T INTEND TO GO THROUGH THE REPORT
7 IN DETAIL, BECAUSE I THINK ALL OF YOU HAVE BEEN THROUGH IT
8 AT LEAST THREE TIMES. HOWEVER, IF YOU SO DESIRE, I SHALL DO
9 IT. BUT, THE REPORT DOES COVER REMEDIATION OF ILLEGAL
10 SITES, ENFORCEMENT, AND DEVELOPMENT OF MARKETS.

11 I DISTRIBUTED THIS MORNING TO YOUR OFFICES A
12 LIST OF PROPOSED CHANGES TO THE REPORT, AND I APOLOGIZE FOR
13 GETTING THAT LIST OUT SO LATE, AND NOT GIVING YOU A LOT OF
14 TIME TO LOOK AT IT.

15 MOST OF THE CHANGES IN THERE ARE STRICTLY
16 ADMINISTRATIVE-TYPE THINGS. I THINK YOU'VE ALREADY WADED
17 THROUGH THE DIFFICULTY IN DEFINITIONS, AND HOW ONE
18 DEFINITION IS HOOKED INTO ANOTHER. A LOT OF THESE CHANGES
19 CAME UP WHEN WE STARTED TALKING WITH THE LEGISLATIVE SIDE OF
20 THE HOUSE, AND THINGS THAT WERE NEEDED TO CLARIFY WHAT WE
21 HAD MEANT.

22 SO, IF THERE ARE ANY QUESTIONS IN THE
23 PROPOSED CHANGES I WOULD CERTAINLY ENTERTAIN THOSE, ANY
24 COMMENTS OF QUESTIONS ON THOSE.

1 CHAIRMAN EATON: ARE THERE ANY QUESTIONS OF MR.
2 FITZGERALD WITH REGARD --

3 MR. FITZGERALD: TO ANY CHANGES?

4 CHAIRMAN EATON: -- TO CHANGES?

5 MEMBER PENNINGTON: MR. CHAIRMAN?

6 CHAIRMAN EATON: MR. PENNINGTON.

7 MEMBER PENNINGTON: YES. I'D LIKE TO INQUIRE AS
8 TO THE REASONING, IF THERE IS ANY, BEHIND THE USE OF -- OR,
9 THE INCLUSION OF BALED TIRES IN THE DEFINITION OF AN
10 ALTERNATE WASTE TIRE.

11 MR. FITZGERALD: THE BOARD, IN --

12 CHAIRMAN EATON: IS THAT ON PAGE -- IS THAT THE
13 PAGE 46 DEFINITION?

14 (THE PARTIES SIMULTANEOUSLY SPEAK.)

15 MR. FITZGERALD: IT'S PAGE 46, ALTERED WASTE TIRE
16 --

17 CHAIRMAN EATON: OKAY.

18 MR. FITZGERALD: -- "MEANS A WASTE TIRE THAT IS NO
19 LONGER WHOLE," ETC., ETC.

20 CHAIRMAN EATON: OKAY.

21 MR. FITZGERALD: THE REASON BALED TIRES ARE
22 INCLUDED IS THAT THE BOARD PASSED A RESOLUTION IN
23 APPROXIMATELY 1992 WHICH RAISED THIS, AND INCLUDED BALED
24 TIRES IN THE DEFINITION OF ALTERED TIRES. AND THAT IS WHY I

1 PUT IT IN THERE.

2 MEMBER PENNINGTON: MR. CHAIRMAN, I DON'T BELIEVE
3 THAT A TIRE THAT'S BALED NECESSARY ALTERS THE TIRE. SO I
4 WOULD ASK THAT WE REMOVE THE INCLUSION OF BALED TIRES IN
5 THAT DEFINITION.

6 CHAIRMAN EATON: SO WOULD THE WHOLE -- ARE YOU
7 RECOMMENDING THAT THE WHOLE SENTENCE BE DELETED? BECAUSE I
8 THINK IT SPEAKS JUST TO --

9 MR. FITZGERALD: IT WOULD BE POSSIBLE JUST TO DROP
10 OUT THE STATEMENT THAT --

11 MEMBER PENNINGTON: YEAH.

12 MR. FITZGERALD: -- ALTERED TIRES INCLUDE BALED
13 TIRES. YOU CAN JUST DROP THAT OUT --

14 MEMBER PENNINGTON: YEAH. THAT WORKS FINE WITH
15 ME.

16 MEMBER JONES: THEN WHERE -- I MEAN, QUESTION?

17 CHAIRMAN EATON: SURE. I'M JUST --

18 MEMBER JONES: WHERE WOULD WE PUT BALED TIRES
19 THEN? I DON'T HAVE A PROBLEM WITH DROPPING IT AS ALTERED,
20 AS LONG AS WE HAVE ANOTHER SPOT THAT WE CAN PUT IT IN.

21 BECAUSE BALED TIRES RIGHT NOW, AS I
22 UNDERSTAND, THAT PROCESS -- AND I UNDERSTAND WHAT YOU'RE
23 SAYING, IT'S A WHOLE TIRE. IF THE BANDING BREAKS THEN
24 YOU'VE GOT WHOLE TIRES THAT ARE IS THINKING THERE.

1 BUT, UNDER OUR REGS, I THINK THAT YOU CAN
2 LANDFILL BALED TIRES BECAUSE OF A SOURCE -- I DON'T KNOW IF
3 IT WAS SOURCE REDUCTION OR COMPRESSION FINDING THAT HAPPENED
4 BACK IN THE '90S, BUT IT WAS SOMETHING THAT ALLOWED THAT.

5 SO, WHERE DO WE PUT THAT?

6 MR. FITZGERALD: WELL, I'M NOT SURE THAT YOU NEED
7 IT, BECAUSE EVERY OTHER TYPE OF TIRE IS DEFINED. I MEAN,
8 IT'S -- IT WOULD BE DEFINED IN SOME OTHER FASHION. YOU
9 KNOW, IT WOULD EITHER BE A (INDISCERNIBLE) TIRE, OR IT WOULD
10 BE ALTERED IN SOME FASHION OTHER THAN JUST BALING IT.

11 MEMBER JONES: OKAY. BUT ARE WE SAYING THAT IF WE
12 TAKE THE DEFINITION OF BALED TIRES OUT OF ALTERED TIRES ARE
13 WE STILL GOING TO BE ABLE TO BALE TIRES?

14 MR. CHANDLER: I THINK YOU COULD CERTAINLY BALE
15 TIRES FOR CERTAIN APPLICATIONS.

16 I THINK WHAT -- IF I UNDERSTAND THE
17 IMPLICATIONS OF MR. PENNINGTON'S PROPOSED SUGGESTION, OR
18 MOTION, IN ONE RESPECT WOULD BE THAT RIGHT NOW YOU CAN
19 LANDFILL A TIRE IF IT'S ALTERED. IF A TIRE IS DEFINED AS
20 BEING ALTERED WHEN IT'S IN A BALED STATE, THEN YOU CAN
21 LANDFILL BALED TIRES. IF WE TAKE OUT WHAT IS INCLUDED AS AN
22 ALTERED TIRE TO BE A BALE, THEN YOU WOULD NO LONGER BE
23 ALLOWED TO CONSIDER A BALED TIRE, MEANING THE DEFINITION OF
24 AN ALTERED TIRE, WHICH CAN THEN GO INTO A LANDFILL.

1 SO, THE NET EFFECT WOULD BE, YOU WOULD BE
2 REMOVING BALED TIRES FROM GOING TO LAND DISPOSALS.

3 MR. FITZGERALD: IF THE BALES WERE MADE OF WHOLE
4 TIRES --

5 (THE PARTIES SIMULTANEOUSLY SPEAK.)

6 MR. CHANDLER: CORRECT.

7 MEMBER PENNINGTON: -- MADE OF WHOLE TIRES.

8 MEMBER JONES: THEN I'D HAVE A HARD TIME
9 SUPPORTING THAT. BECAUSE, WE'RE CLEANING UP A TIRE CLEANUP
10 --

11 MR. FITZGERALD: I'M JUST TRYING TO GIVE THE
12 IMPLICATIONS --

13 (THE PARTIES SIMULTANEOUSLY SPEAK.)

14 MEMBER JONES: NO, AND -- BUT THAT'S WHY I WANT TO
15 KNOW WHERE ELSE IT WOULD HAVE TO GO, SO THAT WE COULD
16 CONTINUE TO --

17 MEMBER PENNINGTON: BUT ALL YOU HAVE TO DO IS TO
18 ALTER THEM IN ANOTHER FASHION, BALING IT, TAKE THE BEAD
19 (PHONETIC) OUT OF IT, AND THEN YOU DON'T HAVE A WHOLE TIRE,
20 THEN YOU HAVE AN ALTERED WASTE TIRE.

21 MEMBER JONES: UNDERSTOOD. BUT IT'S --

22 MEMBER PENNINGTON: -- YOU COULD BALE THAT, BUT --

23 MEMBER JONES: BUT WHAT DOES THAT EFFECTIVELY DO,
24 OTHER THAN DRIVE THE COST UP?

1 MEMBER PENNINGTON: WELL, SO --

2 (THE PARTIES SIMULTANEOUSLY SPEAK.)

3 MEMBER JONES: THAT'S ALL IT DOES IS --

4 MEMBER PENNINGTON: -- BALING IT --

5 MEMBER JONES: -- DRIVE THE COST UP.

6 MEMBER PENNINGTON: BALING IT DRIVES THE COST UP,
7 TOO.

8 MEMBER JONES: NOT -- WELL, IT DOES AND IT
9 DOESN'T, IT DEPENDS ON HOW MUCH YOU'RE GOING TO ADD TO THAT.

10 MEMBER PENNINGTON: YOU MEAN HOW MUCH -- YOU MEAN
11 HOW MANY TIRES YOU'RE GOING TO BALE, OR --

12 MEMBER JONES: NO. I MEAN, YOU CAN'T --

13 MEMBER PENNINGTON: IT COSTS SOMETHING TO BALE IT
14 --

15 (THE PARTIES SIMULTANEOUSLY SPEAK.)

16 MEMBER JONES: RIGHT. BUT THERE'S A POSITIVE USE
17 FOR BALED TIRES, TOO.

18 MEMBER ROBERTI: MR. CHAIRMAN?

19 CHAIRMAN EATON: SENATOR ROBERTI.

20 MEMBER ROBERTI: JUST TO ADD MY TWO CENTS, I DON'T
21 UNDERSTAND OUR CURRENT DEFINITION, MYSELF, AS TO WHY WOULD
22 WE SAY THAT A BALED TIRE IS AN ALTERED TIRE. IT JUST
23 STRIKES ME -- I MEAN, YOU HAVE ALL THESE TIRES COMPRESSED
24 TOGETHER AND GOING INTO THE LANDFILL, ALL THE PROBLEMS OF A

1 SINGULAR LAND -- TIRE GOING INTO A LANDFILL ARE COMPOUNDED
2 NOW, BECAUSE NOW YOU'VE JUST PUT THEM ALL TOGETHER.

3 SO, INSTEAD OF SAYING A BALED TIRE IS AN
4 ALTERED TIRE, IT STRIKES ME AS EVEN A BIGGER PROBLEM THAN
5 THE TIRE THAT CURRENTLY IS NOT ALLOWED INTO A LANDFILL. SO,
6 I THINK OUR DEFINITION OUGHT TO CHANGE, MYSELF.

7 CHAIRMAN EATON: MR. FITZGERALD, DO YOU HAVE ANY
8 BACKGROUND IN TERMS OF HOW THIS AROSE?

9 BECAUSE, MY UNDERSTANDING IS, IS THAT, FROM
10 MY SHEET, IT LOOKS LIKE ONE WORD WAS TO BE DELETED,
11 "GRANULATED," AND NOW WE HAVE OTHER WORDS. SO --

12 MR. FITZGERALD: WELL, THE --

13 (THE PARTIES SIMULTANEOUSLY SPEAK.)

14 CHAIRMAN EATON: -- IS THERE SOME CONTEXT BY WHICH
15 WE CAN UNDERSTAND PERHAPS SOME OF THE ISSUE, OR HOW IT
16 AROSE?

17 MR. FITZGERALD: THE ISSUE BASICALLY IS --

18 (THE PARTIES SIMULTANEOUSLY SPEAK.)

19 CHAIRMAN EATON: -- THE WORKING GROUPS OR PUBLIC
20 INPUT?

21 MR. FITZGERALD: NO, THIS PRECEDES THE WORKING
22 GROUPS.

23 AND IT -- LIKE I SAY, IT GOES BACK TO ABOUT
24 1992. AND THE ISSUE IS, CAN YOU LANDFILL WHOLE TIRES THAT

1 HAVE BEEN BALED, THAT'S -- THAT IS THE ISSUE. AND AT THE
2 TIME THE BOARD PASSED A RESOLUTION THAT THEY CONSIDERED
3 BALED TIRES AS BEING ALTERED TIRES, WHICH DID ALLOW FOR THE
4 LANDFILLING OF WHOLE TIRES THAT HAD BEEN BALED.

5 AND THE BOARD, OBVIOUSLY, CAN CHANGE THEIR --
6 CAN CHANGE THAT AT THIS TIME.

7 MEMBER JONES: MR. CHAIRMAN?

8 CHAIRMAN EATON: MR. JONES.

9 MEMBER JONES: TO A COUPLE OF SENATOR ROBERTI'S
10 ISSUES?

11 IT -- WHOLE TIRES, WHEN THEY WENT INTO A
12 LANDFILL AS PART OF A LOAD WORK THEIR WAY UP THROUGH THE
13 GROUND.

14 MEMBER ROBERTI: YEAH, I UNDERSTAND THAT.

15 MEMBER JONES: BALED TIRES THAT ARE BALED AND
16 STRAPPED, AND COMPRESSED, GET PUT IN PLACE AND GET COVERED,
17 THEY DON'T WORK THEMSELVES UP THROUGH THE GROUND, THEY STAY
18 IN THAT DENSIFIED FORM EVEN IF THOSE BALE STRAPS BREAK.
19 AND, THAT WAS PART OF THE REASON THAT WHOLE TIRES WEREN'T
20 ABLE TO GO IN THE LANDFILLS, BECAUSE THEY SURFACED, AND YOU
21 COULD SEE 20 OR 30 OF THEM ON THE FACE ALL THE TIME THAT HAD
22 POPPED UP. WHEN THEY'RE BALED THEY DON'T HAVE THAT TENDENCY
23 TO POP UP.

24 BUT THE CLEANUP THAT HAPPENED AT -- THE

1 CLEANUP THAT HAPPENED AT --

2 (THE PARTIES SIMULTANEOUSLY SPEAK.)

3 MEMBER JONES: -- THE GUY IN --

4 MR. FITZGERALD: WINDBERRY (PHON)?

5 MEMBER JONES: WINDBERRY HAD BALED TIRES FOR THE
6 PURPOSES OF TRANSPORTING THEM, OR USING THEM FOR SHOOTING, A
7 SHOOTING RANGE BACKSTOPS, THOSE TYPES OF THINGS, IT'S A
8 POSITIVE USE, THAT WENT BELLY-UP, WE HAD TO CLEAN IT UP.
9 BECAUSE THOSE WERE BALED TIRES THEY WENT IN -- THEY COULD GO
10 INTO A SITE. THAT CUT OUR COSTS CONSIDERABLY TO REMEDIATE
11 THAT SITE, OR CUT THEIR COSTS CONSIDERABLY TO REMEDIATE THAT
12 SITE.

13 THERE ARE SOME AWFULLY GOOD USES FOR BALED
14 TIRES. AND THEY'RE USING THEM IN LIVESTOCK FEEDING AREAS,
15 THEY'RE USING THEM IN -- THERE WAS A PROJECT AT THE SALTON
16 SEA THAT THEY WERE TALKING ABOUT USING BALED TIRES TO HELP
17 HAVE THE WATER RUN AROUND IT TO DO SOME PURIFICATION.

18 I'VE GOT A PROBLEM WITH ELIMINATING THE USE
19 OF BALED TIRES IN THE LANDFILL -- OR, TO ADDING COST TO IT
20 JUST TO MAKE IT COMPETITIVE WITH SOME OTHER END USES THAT
21 HAVE HIGHER COSTS. I DON'T KNOW WHAT THE END RESULT IS. IF
22 THE RESULT IS TO KEEP THEM FROM POPPING UP, BALED TIRES
23 DON'T POP UP IN LANDFILLS.

24 MEMBER ROBERTI: ISN'T ONE OF THE PROBLEMS --

1 CHAIRMAN EATON: SENATOR ROBERTI?

2 MEMBER ROBERTI: I MEAN, IT'S HARD TO GET AN
3 ANSWER ON HOW LONG IT TAKES A TIRE TO BIODEGRADE --

4 MEMBER JONES: THEY DON'T.

5 MEMBER ROBERTI: -- BUT -- WELL, I DO THINK AFTER
6 A PERIOD OF TIME -- I MEAN --

7 (THE PARTIES SIMULTANEOUSLY SPEAK.)

8 MEMBER ROBERTI: -- A THOUSAND YEARS, I DON'T
9 KNOW, 5,000 YEARS --

10 (THE PARTIES SIMULTANEOUSLY SPEAK.)

11 MEMBER ROBERTI: -- A BALED TIRE NEVER, EVER, EVER
12 WILL. WHEREAS, A TIRE CHIP -- AND I'M JUST THINKING OUT
13 LOUD -- I THINK THERE IS SOME POINT IN TIME WHERE THERE IS
14 SOME DEGRADABILITY. I DON'T KNOW HOW LONG, I DON'T KNOW HOW
15 MANY YEARS. BUT, IF WE'RE TALKING ABOUT THE PLANET EARTH,
16 YOU KNOW, A BALED TIRE IS, YOU KNOW, LITERALLY FOREVER, WE
17 MIGHT AS WELL BURY --

18 CHAIRMAN EATON: ALL RIGHT. DO YOU WANT TO GO
19 THROUGH ANY OF THE OTHERS? OR --

20 MR. FITZGERALD: THERE WAS A QUESTION ASKED ON WHY
21 --

22 CHAIRMAN EATON: -- ARE THERE ANY OTHER QUESTIONS
23 --

24 (THE PARTIES SIMULTANEOUSLY SPEAK.)

1 MR. FITZGERALD: -- THAT CHANGE WAS MADE ON --

2 CHAIRMAN EATON: -- COME BACK TO --

3 MR. FITZGERALD: -- THE GRANULATED RUBBER. AND
4 GRANULATED RUBBER IS A TERM THAT VIRTUALLY NO ONE USES
5 EXCEPT WHEN -- IN OUR REGULATIONS. AND SO THE
6 RECOMMENDATION WAS TO CHANGE IT TO CRUMB RUBBER, WHICH IS A
7 MORE UNIVERSAL TERM.

8 AND THE QUESTION THIS MORNING CAME UP, I
9 BELIEVE ONE OF THE AUDIENCE CAME FORWARD AND SUGGESTED THAT
10 CRUMB RUBBER SHOULD INCREASE ONE -- TO INCLUDE ONE-INCH
11 CUBES AS WELL, AND SEVERAL OTHER THINGS.

12 THE ONE-QUARTER INCH IS PRETTY MUCH THE
13 STANDARD THAT -- DEFINITION FOR CRUMB RUBBER, GRANULES OF
14 ONE-QUARTER INCH OR SMALLER.

15 CHAIRMAN EATON: THERE'S NOTHING IN STATUTE --

16 MR. FITZGERALD: NO.

17 CHAIRMAN EATON: -- THAT REFERS TO GRANULATED,
18 RIGHT? SO, WE'RE NOT RUNNING AFOUL OF THAT.

19 MR. FITZGERALD: NO, NOT THAT I'M AWARE OF.

20 CHAIRMAN EATON: OKAY. MR. JONES.

21 MEMBER JONES: WE ALWAYS HEAR THAT THERE IS A BIG
22 DIFFERENCE BETWEEN CRUMB RUBBER AND RUBBER SHAVINGS, OR
23 WHATEVER BOB WINTERS DOES --

24 MR. FITZGERALD: RUBBER BUFFINGS?

1 MEMBER JONES: BUFFINGS. ARE THEY CONSIDERED THE
2 SAME IN OUR DEFINITIONS, OR WHAT? ARE WE CONSIDERING CRUMB

3 MR. FITZGERALD: COULD BE --

4 MEMBER JONES: -- AND BUFFINGS TO BE THE SAME?

5 MR. FITZGERALD: YES. YES, BECAUSE THEY --

6 MEMBER JONES: DO WE NEED TO INCLUDE THAT?

7 MR. FITZGERALD: -- WOULD BE SMALLER THAN ONE-
8 QUARTER-INCH SIZE, SO THEY WOULD BE CRUMB.

9 MEMBER JONES: OKAY.

10 MR. FITZGERALD: IT'S JUST THE SOURCE WHERE THEY
11 COME FROM, WHETHER THEY COME FROM BUFFINGS OR OTHER
12 PROCESSES.

13 MEMBER JONES: OKAY.

14 MR. FITZGERALD: SO THAT CONCLUDES --

15 MEMBER PENNINGTON: WELL, MR. CHAIRMAN --

16 CHAIRMAN EATON: MR. PENNINGTON.

17 MEMBER PENNINGTON: I KNOW WE SORT OF HAVE A
18 PROBLEM HERE WITH MY SUGGESTION TO TAKE THE ALTERED WASTE
19 TIRES, INCLUDING BALED TIRES OUT. HOWEVER, I THINK THAT
20 FITZ, AS WE HAVE SAID IN THE PAST, HAS DONE AN EXCELLENT
21 JOB. I DON'T HAVE ANY PROBLEM OTHER THAN THAT ONE, SO,
22 THEREFORE, I WOULD MOVE THE ADOPTION OF THE TIRE REPORT.

23 I DON'T KNOW, IS THERE A --

24 CHAIRMAN EATON: THERE IS ONE INDIVIDUAL, AT LEAST

1 --

2 MEMBER PENNINGTON: OH, OKAY.

3 CHAIRMAN EATON: -- AT THE CURRENT TIME, THAT
4 WOULD LIKE TO SPEAK ON THE ISSUE. SO --

5 MEMBER PENNINGTON: OKAY.

6 CHAIRMAN EATON: PERHAPS WE CAN HEAR FROM MR. ED
7 COHN, SOUTHERN CALIFORNIA TIRE DEALERS, AND THEN CAN
8 ENTERTAIN A MOTION.

9 MR. COHN: MY NAME IS ED COHN, I'M THE EXECUTIVE
10 DIRECTOR OF THE SOUTHERN CALIFORNIA TIRE DEALERS AND
11 RETREADERS ASSOCIATION.

12 I WOULD LIKE TO THANK THE BOARD FOR LETTING
13 US PARTICIPATE IN THIS PROGRAM. I ALSO WOULD LIKE TO THANK
14 FITZ FOR ALL THE GOOD STUFF HE DID. I DON'T THINK THE
15 REPORT IS PERFECT YET, BUT HE DID A HELL OF A JOB, AND I
16 THINK YOU VERY MUCH FOR LETTING US BE PART OF THE PROCESS.
17 THANK YOU.

18 CHAIRMAN EATON: THANK YOU. OKAY.

19 MEMBER PENNINGTON: MR. CHAIRMAN, THEN I'LL GO
20 AHEAD AND MAKE MY MOTION?

21 CHAIRMAN EATON: PLEASE.

22 MEMBER PENNINGTON: ARE YOU READY?

23 CHAIRMAN EATON: YES, SIR. THANK YOU.

24 MEMBER PENNINGTON: I'LL MOVE ADOPTION OF THE TIRE

1 REPORT, WITH THE DELETION OF THE TERM "ALTERED WASTE TIRES,"
2 INCLUDE "BALED TIRES."

3 CHAIRMAN EATON: JUST SORT OF TO GET SOME
4 CLARIFICATION, THE CURRENT BOARD POLICY IS TO -- THE
5 SENTENCE THAT MR. PENNINGTON REFERS TO, IS THAT CURRENT
6 BOARD POLICY, OR --

7 MR. FITZGERALD: CURRENT BOARD POLICY DOES
8 CONSIDER A BALED TIRE AS AN ALTERED TIRE.

9 CHAIRMAN EATON: OKAY. AND SO -- IT'S NEVER TOO
10 LATE. I ALWAYS WAITED. THAT'S WHY I WAITED, MR. WHITE, YOU
11 KNOW THAT. YOU AND MR. LARSON HAVE WORKED THIS ROOM ENOUGH,
12 YOU KNOW YOU WAIT TILL THE END OF TIME. I MEAN, IT'S NICE.

13 OKAY. SO THAT'S CURRENT BOARD POLICY.

14 MR. FITZGERALD: THAT IS CORRECT.

15 CHAIRMAN EATON: OKAY. WHAT WE'D BE DOING -- AND
16 YOU'RE ASKING THAT CURRENT BOARD POLICY CHANGE. AND I'M
17 JUST TRYING TO GET IT CLARIFIED --

18 (THE MEMBERS CONFER SIDE BAR.)

19 MEMBER ROBERTI: TO GET IT BEFORE (INAUDIBLE) I'LL
20 SECOND THE MOTION.

21 CHAIRMAN EATON: OKAY. WE HAVE A MOTION BY MR.
22 PENNINGTON TO ADOPT THE REPORT AND THE PROPOSED CHANGES --

23 MEMBER PENNINGTON: CORRECT, WITH THE PROPOSED
24 CHANGES.

1 CHAIRMAN EATON: -- WITH THE DELETION IN THE
2 DEFINITION OF ALTERED WASTE TIRE, THE SENTENCE THAT SAYS:
3 "ALTERED WASTE TIRES INCLUDED BALED TIRE BUT DO NOT INCLUDE
4 CRUMB RUBBER." THAT'S THE MOTION THAT'S BEEN SECONDED BY
5 SENATOR ROBERTI.

6 MADAM SECRETARY, PLEASE CALL -- OOPS, BEFORE
7 WE DO THAT -- I'M SORRY -- MR. WHITE WAS HERE TO SPEAK. AND
8 I'M SORRY. I'M SORRY.

9 MR. WHITE: CHARLES WHITE WITH THE WASTE
10 MANAGEMENT, AND I DID WANT TO SPEAK ON THIS ALTERED TIRE
11 ISSUE.

12 IT HAS BEEN A LONG-STANDING POLICY OF THIS
13 BOARD, AND FROM THE STAFF, THEY WOULD CONSIDER BALED TIRES
14 TO BE PART OF THE DEFINITION OF ALTERED TIRES. IF YOU WERE
15 TO MAKE THAT CHANGE IT WOULD BE A SUBSTANTIAL CHANGE.

16 AND I THINK MR. JONES DID ADD -- DID SPEAK TO
17 THIS ISSUE, AND QUITE ACCURATELY, IT WOULD -- COULD
18 CONCEIVABLY INCREASE THE COST OF MANAGING TIRES, BECAUSE YOU
19 WOULD BASICALLY EXCLUDE THAT POSSIBILITY OF USING BALED
20 TIRES IN LANDFILLS.

21 AND NOT THAT WE WOULDN'T ENCOURAGE HIGHER AND
22 BETTER USES FOR TIRES. BUT, IF YOU ARE IN THE PROCESS OF
23 REMEDIATING A TIRE PILE -- LIKE WAS AT WINDBERRY FOR
24 EXAMPLE, THAT WERE ALREADY BALED, THAT THE CHEAPEST OPTION

1 FOR THE BOARD IN THAT CASE WAS TO TAKE THOSE TIRES IN AND
2 HAVE THEM PLACED INTO A LANDFILL, WHICH IS A SAFE AND SECURE
3 OPTION -- THE STAFF HAS PREVIOUSLY LOOKED AT THIS AND DOES -
4 - HAS BELIEVED IN THE PAST THAT BALED TIRES DO MEET THE
5 DEFINITION OF ALTERED TIRE FOR SAFE AND SECURE DISPOSAL.

6 SO, WE WOULD ENCOURAGE THE BOARD TO CONTINUE
7 THAT OPTION UNDER THIS REPORT AND INTO THE FUTURE. THANK
8 YOU.

9 CHAIRMAN EATON: UNDER WHAT CIRCUMSTANCES --

10 MEMBER PENNINGTON: ISN'T IT TRUE --

11 CHAIRMAN EATON: I'M SORRY.

12 MEMBER PENNINGTON: ISN'T IT TRUE THOUGH, CHUCK,
13 THAT IF, IN THE CASE OF WINDBERRY, THAT THOSE TIRES WOULD
14 HAVE ALREADY BEEN CONSIDERED EITHER A WASTE TIRE OR A
15 DISPOSABLE TIRE?

16 THE BALING ONLY WAS SECONDARY TO IT. BUT
17 THERE'S NOTHING IN THIS THAT SAYS IT COULDN'T BE BURIED
18 BALED. I JUST OBJECT TO CALLING THEM THAT.

19 MR. WHITE: WELL, BUT THE PROBLEM IS, THEY COULD -
20 - AND THIS IS AS I UNDERSTAND IT, THEY COULD NOT BE PUT IN
21 THE LANDFILL AS A BALED TIRE UNLESS IT IS CONSIDERED TO BE
22 PART OF THE DEFINITION OF APPLICANT. YOU CAN PUT ALTERED
23 TIRES INTO LANDFILLS, LIKE CHIPPED OR SLICED, OR WHATEVER
24 MATERIAL, AND IN LARGE PART TO PREVENT THEM FROM FLOWING TO

1 THE SURFACE.

2 ONCE PUT IN THE LANDFILL THE BALING REMAINS
3 INTACT AND DOES -- IT WON'T BREAK APART. AND STAFF HAS
4 LOOKED AT THAT -- THIS ISSUE, AND DOES BELIEVE, AT LEAST IN
5 MY OPINION, IT IS BELIEVED THAT IT IS A SAFE AND SECURE
6 METHOD OF MANAGING THESE TIRES, AND DOES PROVIDE A LOW-COST
7 OPTION FOR MANAGING TIRES IN A LANDFILL ENVIRONMENT.

8 AND, IF HIGHER AND BETTER USES CAN BE FOUND,
9 FINE. BUT, IF YOU'RE GOING TO -- IF THE OPTION IS OF
10 REMEDIATING A TIRE, AND RATHER THAN HAVE THEM BE DISPERSED
11 INTO THE ENVIRONMENT IN AN UNCONTROLLED OR ILLEGAL FASHION,
12 AT LEAST YOU HAVE THE OPTION OF TRYING TO SECURELY PLACES
13 THESE TIRES INTO A LANDFILL WHERE THEY WON'T POSE A THREAT
14 TO HUMAN HEALTH AND THE ENVIRONMENT. SO -- AS A BALED TIRE,
15 AS WE WOULD URGE THE BOARD TO CONTINUE THAT POLICY.

16 OR, IF YOU'RE GOING TO REVISIT THAT ISSUE, WE
17 WOULD URGE YOU TO HAVE A MORE FULL DISCUSSION OF THAT.
18 BECAUSE, I THINK THERE ARE SUBSTANTIAL CONSEQUENCES AND
19 COSTS FOR REMEDIATING TIRE PILES, THAT YOU'D BE ELIMINATING
20 THAT OPTION. AND FROM A TECHNICAL STANDPOINT, YOU KNOW, WE
21 BELIEVE THAT AN ALTERED TIRE SHOULD INCLUDE THE DEFINITION
22 OF A BALED TIRE TO BE ABLE TO PRESERVE THAT OPTION IF THE
23 BOARD -- OR, SOME OTHER REMEDIATION OPTION.

24 CHAIRMAN EATON: IS -- I'M SORRY. SENATOR

1 ROBERTI?

2 MEMBER ROBERTI: I JUST WANTED TO THROW OUT ONE
3 MORE OPTION. WHILE I SECONDED THE MOTION AND AM FOR IT, IS
4 THAT IN MY EXPERIENCE AND IN VARIOUS DISCUSSIONS I'VE HAD,
5 THE NUMBER OF USES FOR A TRULY ALTERED TIRE ARE EXTENSIVE,
6 THE NUMBER OF USES FOR A WHOLE TIRE ARE PRETTY LIMITED.
7 AND, EXCEPT YOU CAN PUT THEM IN LANDFILLS AND MAYBE A COUPLE
8 OF OTHER AGRICULTURAL USES. AND, I THINK THAT USE ASPECT
9 HAS TO BE AN ASPECT OF WHAT -- THE DECISION THAT WE MAKE
10 HERE.

11 CHAIRMAN EATON: SO, IF I CAN --

12 MEMBER PENNINGTON: WHAT HAPPENS --

13 CHAIRMAN EATON: MR. PENNINGTON? I'M SORRY.

14 MEMBER PENNINGTON: THAT'S OKAY. WHAT HAPPENS IF
15 YOU INADVERTENTLY GET A FIRE IN THE LANDFILL TO THAT BALED
16 TIRES?

17 MR. WHITE: WELL, WE'RE NOT AWARE OF ANY SITUATION
18 WHERE THERE HAS BEEN BALED TIRE LEAD TO A LANDFILL FIRE.

19 AND YOU BASICALLY ARE COVERING THEM, SECURING
20 THEM, KEEPING THE OXYGEN, KEEPING THEM IN A MONOFILL-TYPE
21 OPERATION. THEY ARE USUALLY MONOFILLED IN SUCH A WAY THAT
22 THEY WOULD NOT POSE A FIRE THREAT WHATSOEVER.

23 AS I -- AGAIN, I UNDERSTAND THE STAFF OF THIS
24 BOARD HAS LOOKED AT THIS AND HAS CONCLUDED THAT THEY --

1 BALED TIRES CAN BE SAFELY AND SECURELY --

2 MEMBER ROBERTI: I THOUGHT THERE WAS ONLY ONE TIRE
3 MONOFIL IN CALIFORNIA.

4 MEMBER JONES: RIGHT.

5 MR. WHITE: WELL, THERE ARE -- IS ONE THAT'S
6 OPERATING IN SOUTHERN CALIFORNIA. WE OPERATE THE AZUSA
7 LANDFILL. THEN ALSO THE CALIFORNIA ASBESTOS MONOFIL, WHICH
8 OPERATES INTERMITTENTLY TO TAKE IN TIRES IF --

9 MEMBER ROBERTI: THAT IS --

10 (THE PARTIES SIMULTANEOUSLY SPEAK.)

11 MR. WHITE: -- AS NECESSARY, WHICH WE ALSO DO
12 OPERATE.

13 MEMBER ROBERTI: -- AS A TIRE MONOFILL?

14 MR. WHITE: YES, THAT'S CORRECT.

15 MEMBER ROBERTI: AND THAT'S BETWEEN -- OKAY. AS
16 BETWEEN THOSE TWO MONOFILLS, WHAT PERCENTAGE OF THE TIRES IN
17 THE STATE DO THEY TAKE IN --

18 MR. WHITE: NO, I COULDN'T TELL YOU OFF THE TOP OF
19 MY HEAD --

20 MEMBER ROBERTI: -- THEY GET LANDFILL --

21 (THE PARTIES SIMULTANEOUSLY SPEAK.)

22 MR. WHITE: -- I HONESTLY DON'T KNOW.

23 MEMBER ROBERTI: I HAVE A HUNCH IT'S NOT ALL OF
24 THEM.

CALIFORNIA SHORTHAND REPORTING

1 MR. WHITE: I'M SURE IT'S NOT ALL OF THEM, NO.

2 MEMBER ROBERTI: THAT'S WHAT I'M SAYING. THAT'S -

3 -

4 MR. WHITE: I CAN VERIFY THAT, FOR SURE.

5 MEMBER ROBERTI: -- WHAT I'M SAYING.

6 SO, I THINK THE HAZARD MR. PENNINGTON SPEAKS
7 OF US A POTENTIAL, IF NOT ACTUAL.

8 MR. WHITE: WELL, WE WOULD CERTAINLY SUPPORT THE
9 IDEA OF BALING BEING AN ALTERED TIRE IF IT'S PLACED IN A
10 MONOFIL OPERATION. THAT'S -- THAT WOULD BE FINE, TOO, IF
11 YOU WANTED TO LIMIT IT TO THAT.

12 BUT, WE BELIEVE THIS -- YOU'RE GOING TO
13 SUBSTANTIALLY LIMIT YOUR OPTIONS FOR LOW-COST ALTERNATIVES
14 TO MANAGE TIRES --

15 MEMBER ROBERTI: WELL, I JUST -- I WANT TO --

16 (THE PARTIES SIMULTANEOUSLY SPEAK.)

17 MEMBER ROBERTI: -- INJECT ON THAT POINT, TOO,
18 JUST TO STRESS IT. AND THAT IS, I THINK WE SHOULD BE
19 ENCOURAGING ALTERNATIVES USES FOR WASTE TIRES, AND A TRULY
20 ALTERED TIRE DOES HAVE A NUMBER OF USES. AS I INDICATED
21 EARLIER THIS MORNING, I SAW US WORKING ON LEVEE CONSTRUCTION
22 WITH THE USE OF TWO-INCH CHIPS.

23 AND I KIND OF THINK WE THROW OUR HANDS UP IN
24 THE AIR AND SAY NOTHING CAN BE DONE, WHEN WE START BURYING

1 LIKE 11 MILLION TIRES IN THE AZUSA MONOFIL, I DON'T KNOW HOW
2 MANY IN THE ASBESTOS MONOFIL THAT YOU SPEAK OF.

3 SO, I JUST THINK THE TIME HAS COME FOR US TO
4 THINK OF CREATIVE USES FOR USED TIRES. AND THIS DEFINITION
5 SORT OF SAYS WE'RE DEFEATED BEFORE WE ENTER THE FRAY.

6 MEMBER JONES: MR. CHAIRMAN?

7 CHAIRMAN EATON: MR. JONES.

8 MEMBER JONES: ONE OF THE FIXES THAT WE WERE GOING
9 TO DO AT THE INYO COUNTY LANDFILL WAS TO GO IN THERE AND
10 BALE TIRES, AND USE THEM TO SUPPORT WHAT WAS AN ERODING
11 FOUNDATION FOR THE SLIDE SLOPES. THERE WAS A REAL
12 METHODOLOGY BEHIND BALING THOSE TIRES AND USING THEM, AND
13 THEY COULD BE USED EFFECTIVELY.

14 ONE OF THE THINGS THAT WE COMMISSION AT THIS
15 BOARD -- BECAUSE, THERE HAVE BEEN -- AND I'M NOT PROPOSING
16 THAT WE DON'T GO THIS WAY. BUT, WE SPENT MONEY WITH DANA
17 HUMPHREYS, AND WITH OTHERS, TO TRY TO COME UP WITH MONOFIL
18 REGS TO DEAL WITH WHAT HAS BEEN AN OCCURRING (SIC) PROBLEM.

19 AND THAT IS TIRE SHREDS IGNITING IN MONOFILS. THEY
20 GENERATE HEAT, THEY CATCH ON FIRE. THOSE ARE TIRE SHREDS
21 THAT HAVE PIECES OF METAL.

22 THEY THINK -- I MEAN, THE ROADS THAT CALTRANS
23 ALWAYS REFERS TO IN WASHINGTON THAT CAUGHT ON FIRE THAT WERE
24 BUILT ON 30-FEET DEEP OF TIRE SHREDS AND 20-FEET DEEP HAD TO

1 DO WITH THE SIZE OF THE -- SIZE OF THE SHRED AND THE FACT
2 THAT THERE WAS ORGANIC MATERIAL THAT IT CAME IN CONTACT
3 WITH, AND THEY GENERATED THEIR OWN HEAT AND IGNITED. THAT'S
4 AN ONGOING ISSUE THAT WE'RE TRYING TO DEAL WITH ON
5 MONOFILLING OF SHREDDED TIRES.

6 I'M NOT SAYING THAT IT'S BAD. BUT, BEFORE WE
7 LET CAM (PHONETIC) GET PERMITTED FOR MONOFIL THAT WOULD ONLY
8 TAKE SHREDDED TIRES, WE MADE THEM -- AND OUR STAFF WORK WITH
9 THEM -- TO FIND OUT WHAT THE -- WE DIDN'T WANT TO PUT OUT A
10 SET OF REGS THAT WERE GOING TO END UP IN A FIRE AND AN
11 INDUSTRIAL -- AND ANOTHER ENVIRONMENTAL PROBLEM. SO, WE'VE
12 BEEN WORKING WITH DR. HUMPHREYS AND OTHERS TO TRY TO COME
13 UP WITH WHAT'S THE APPROPRIATE WAY TO BUILD A MONOFIL BUILT
14 OF SHREDS, EVEN THOUGH THE LAW SAYS THAT'S HOW ALL TIRES ARE
15 SUPPOSED TO BE DONE.

16 WE'RE -- AS FAR AS I KNOW WE'RE STILL WORKING
17 ON THAT. I KNOW THAT CAM (PHON) SPENT A LOT OF MONEY TO TRY
18 TO COME UP WITH -- AND HELP US ON THE MONITORING OF SHREDDED
19 TIRES AND THE MONOFIL. BUT, I DON'T THINK WE'VE GOT THE
20 ANSWERS YET OF HOW THAT STUFF'S GOT TO BE PLACED, WHAT THE
21 LIFTS HAVE TO BE, HOW MUCH DIRT HAS TO BE IN BETWEEN THEM AS
22 WE CONSTRUCT THAT.

23 BUT MY PROBLEM IS, IF WE DON'T -- IF WE JUST
24 SAY THAT YOU CAN'T BALE -- YOU CAN'T DISPOSE OF A BALED TIRE

1 AFTER IT'S BEEN COMPRESSED AND 140 TIRES ARE IN THIS CUBE,
2 THEN I THINK ALL WE'VE DONE IS PLAY INTO THE HANDS OF
3 DRIVING THOSE COSTS UP TO ACTUALLY DISPOSE OF IT SOMEWHERE
4 ELSE, NOT NECESSARILY USE IT FOR A POSITIVE END USE, AND
5 JUST DRIVE THE COSTS UP.

6 AND I'LL SPEND ALL THE TIME IN THE WORLD
7 TALKING ABOUT THIS THING WITH EVERYBODY ON THIS BOARD IF
8 WE'VE GOT, YOU KNOW, THE DATA TO SUPPORT IT. BUT I CAN'T
9 SUPPORT THIS MOTION IF WE'RE TAKING BALED TIRES OUT AND WE
10 LEAVE THAT AS AN OPTION NOT TO -- NOT TO DISPOSE OF THEM,
11 BECAUSE I THINK WE'RE JUST ARTIFICIALLY DRIVING THE COSTS
12 UP.

13 CHAIRMAN EATON: LET ME SEE IF I CAN'T SORT OF
14 MAYBE FIND SOME COMMON GROUND.

15 CURRENTLY BALED TIRES -- AND NOT TO BEAT A
16 DEAD HORSE -- IS CURRENT BOARD POLICY. IS THAT CORRECT?

17 MR. FITZGERALD: THAT'S CORRECT.

18 CHAIRMAN EATON: THIS REPORT WOULD NOT INDICATE A
19 SHIFT IN THAT BOARD POLICY.

20 MR. FITZGERALD: THAT'S CORRECT.

21 CHAIRMAN EATON: BECAUSE, OBVIOUSLY IT'S A REPORT
22 TO THE LEGISLATURE, BUT IT THEN HAS TO GO FOR EITHER
23 LEGISLATIVE ACTION OR OTHERWISE.

24 COULD WE PERHAPS REACH SOME COMMON GROUND BY

1 SUGGESTING THAT -- BECAUSE I THINK MR. WHITE, I THINK,
2 RAISED THE ISSUE THAT THIS MAY -- IT RUNS CONTRARY TO BOARD
3 POLICY, AND OBVIOUSLY WOULDN'T WANT TO GIVE THE INDICATION
4 THAT THE REPORT SOMEHOW CHANGES THAT POLICY WITHOUT A FULL
5 PUBLIC DISCUSSION ON THE CHANGE OF THAT POLICY, WHICH IS NOT
6 WHAT WE'RE DOING HERE.

7 SO THAT, WHAT I WOULD THINK AND PROPOSE IS
8 THAT, ONE, IF WE COULD JUST PERHAPS DELETE THE SENTENCE, PER
9 MR. PENNINGTON -- HOWEVER, WITH THE ADDED CAVEAT THAT WE
10 WOULD BRING BACK A DISCUSSION AS IT RELATES TO THE POLICY,
11 BECAUSE THAT IS THE EVENTUAL ISSUE HERE -- AND THEN AT THAT
12 TIME DETERMINE WHETHER OR NOT WE WANT TO SEND A
13 CLARIFICATION LETTER TO THE APPROPRIATE BODIES THAT WE SEND
14 THE REPORT TO FOR -- WITH NOT ONLY A DETERMINATION THAT IT
15 WOULD CHANGE OR REMAIN THE SAME, OR THAT THE POLICY WOULD
16 CHANGE....

17 I'M JUST TRYING TO FIND A WAY THAT WE COULD
18 GET THE REPORT MOVING, BUT YET AT THE SAME TIME PROTECT THE
19 POLICY ASPECTS THAT WE CURRENTLY LABOR UNDER, AND AT THE
20 SAME TIME ACCOMMODATE CHANGES.

21 BECAUSE, OBVIOUSLY WHAT WE'RE DOING HERE
22 ISN'T THE POLICY AS ADOPTED, IT IS A REPORT THAT WE'RE
23 RECOMMENDING THERETO. I BELIEVE THAT TO BE THE CASE.
24 ALTHOUGH SOME HAVE TAKEN IT AS LAW ALREADY, WHICH SCARES ME

1 TO SOME EXTENT. BUT, I'M JUST TRYING TO REACH A WAY THAT WE
2 CAN KIND OF MOVE THE REPORT ALONG. BUT I LEAVE THAT AS AN
3 AVENUE, NOT THE ONLY AVENUE.

4 MEMBER PENNINGTON: IF I UNDERSTAND WHAT YOU'RE
5 SUGGESTING, IT CERTAINLY IS PROBABLY OKAY WITH ME, BUT LET
6 ME JUST MAKE SURE.

7 YOU'RE SAYING TO GO AHEAD AS I -- AS MY
8 MOTION -- PUT IT FORWARD, TAKE THAT OUT, BUT BRING THAT
9 BACK, SAY, WHEN WE BRING BACK THE REGS AND HAVE A FULL
10 DISCUSSION AS TO WHETHER OR NOT WE SHOULD KEEP IT IN OR OUT
11 AT THAT POINT.

12 CHAIRMAN EATON: WELL, IT WOULD BE A COMMITMENT TO
13 MR. JONES AND TO MR. WHITE, AND TO OTHERS, WHO HAVE RAISED -
14 -

15 MEMBER PENNINGTON: ALL RIGHT.

16 CHAIRMAN EATON: -- THE WHOLE ISSUE, THAT THE
17 REPORT WOULD GO -- WITH YOUR AMENDMENT, WHICH WOULD TAKE OUT
18 THE DELETION FOR THE TIME BEING -- IT WOULD BE SILENT, IN
19 ESSENCE, AS IT WAS ORIGINALLY PROPOSED.

20 BUT, THAT AS A COMMITMENT TO BOARD MEMBER
21 JONES, WE WOULD THEN COME BACK AT THE APPROPRIATE TIME --
22 AND I DON'T HAVE ANY TIME FRAME THAT WOULD BE THERE. BUT
23 I'M JUST TRYING TO --

24 MEMBER ROBERTI: IF I COULD JUST INTERJECT?

1 CHAIRMAN EATON: SURE. SENATOR ROBERTI.

2 MEMBER ROBERTI: I DON'T SEE ANYTHING WRONG WITH
3 MR. PENNINGTON'S MOTION AS IT STANDS RIGHT NOW. IF IT
4 PASSES, IT PASSES; IF IT FAILS, IT FAILS. YOU KNOW, ALL OF
5 US HAVE BEEN ON THE WINNING --

6 CHAIRMAN EATON: SURE.

7 MEMBER ROBERTI: -- OR LOSING SIDES OF VOTES.
8 WITHOUT TAKING ANYTHING PERSONAL, I MEAN, YOU KNOW, THAT'S -
9 -

10 CHAIRMAN EATON: SURE, NO.

11 MEMBER ROBERTI: -- LIKE THE BUNKER (PHONETIC).

12 BUT WE WERE -- WE'D BE MAKING A POLICY
13 STATEMENT, AND THEN -- I MEAN, I -- SHOULD THIS MOTION FAIL
14 -- I HAVE NO INTENTION OF VOTING AGAINST THE TIRE REPORT.

15 CHAIRMAN EATON: CORRECT. BUT HE INCLUDED IT AS
16 PART OF THE OVERALL REPORT.

17 MEMBER ROBERTI: WELL, YEAH. THEN HE'S PROBABLY
18 NOT --

19 (THE PARTIES SIMULTANEOUSLY SPEAK.)

20 CHAIRMAN EATON: -- SO WHAT WE --

21 MEMBER ROBERTI: -- NOT MAKING IT A MOTION --

22 (THE PARTIES SIMULTANEOUSLY SPEAK.)

23 CHAIRMAN EATON: -- SEPARATE THE ISSUES.

24 MEMBER ROBERTI: -- ASSUMING THAT'S GOING TO FAIL,

1 SINCE I DON'T SENSE OVERWHELMING ENTHUSIASM, AT LEAST FROM
2 MR. JONES --

3 (THE PARTIES SIMULTANEOUSLY SPEAK.)

4 MEMBER ROBERTI: -- AT LEAST ONE.

5 MEMBER JONES: RIGHT.

6 MEMBER ROBERTI: AND THEN WE VOTE AGAIN ON A
7 TRUNCATED MOTION.

8 BUT, IF WE'RE COMING BACK ON THE REGS, I JUST
9 DON'T THINK IT'S BEFORE US. IF IT'S NOT IN THE MOTION AND
10 IT'S NOT IN THE REPORT, THEN THE BUSINESS OF THE DEFINITION
11 REALLY -- AT LEAST REGARDING ALTERED TIRES, REALLY ISN'T
12 BEFORE US. IT MAY BE ANOTHER AGENDA ITEM WHICH WE MAY WANT
13 AT THE SAME TIME, BUT IT'S NOT BEFORE US AS PART OF THE TIRE
14 REPORT.

15 I WOULD LIKE IT BEFORE US AS PART OF THE TIRE
16 REPORT, A VOTE ON THAT AS PART OF WHAT I CONCEIVE AS A MAJOR
17 REFORM. BECAUSE, FRANKLY, IF THE ISSUE IS CHANGING A POLICY
18 OF THE BOARD, THAT'S WHAT THE TIRE REPORT IS DOING, IN A
19 WHOLE HOST OF AREAS. SO, WHY NOT CHANGE IT IN THIS AREA
20 TOO. IF IT'S SUCCESSFUL, TERRIFIC.

21 IF IT'S NOT SUCCESSFUL, WELL, THAT'S AMERICA,
22 YOU KNOW, AND I'LL STILL SPEAK TO YOU AND MR. JONES AND
23 WHOMEVER ELSE, WHOM I -- I DON'T KNOW HOW YOU'RE VOTING, MR.
24 CHAIRMAN, BUT THAT DOESN'T BOTHER ME.

1 CHAIRMAN EATON: YOU'RE NOT THE ONLY ONE. I
2 HAVEN'T MADE UP MY MIND YET, I'M TRYING TO SORT OF --

3 MEMBER ROBERTI: YEAH.

4 CHAIRMAN EATON: -- SEE IF THERE'S A WAY THAT --

5 MEMBER ROBERTI: YEAH, I --

6 CHAIRMAN EATON: -- BUT I UNDERSTAND THAT AS JUST
7 SORT OF COLLEGIALITY.

8 BUT, THERE'S BEEN A MOTION AND THERE'S A
9 SECOND, AND SO I GUESS WE CAN JUST CALL THE ROLL.

10 MEMBER ROBERTI: YEAH.

11 CHAIRMAN EATON: MADAM SECRETARY, PLEASE CALL THE
12 ROLL.

13 THE SECRETARY: BOARD MEMBERS JONES?

14 MEMBER JONES: NO.

15 THE SECRETARY: PENNINGTON?

16 MEMBER PENNINGTON: AYE.

17 THE SECRETARY: ROBERTI?

18 MEMBER ROBERTI: AYE.

19 THE SECRETARY: CHAIRMAN EATON?

20 CHAIRMAN EATON: AYE.

21 ALL RIGHT. THE MOTION --

22 MEMBER JONES: QUESTION.

23 CHAIRMAN EATON: -- FAILS.

24 MEMBER JONES: QUESTION. THE ONLY WAY THAT A

1 BALED TIRE CAN BE LANDFILLED IS BECAUSE IT IS ALTERED.

2 MR. CHANDLER: AS I UNDERSTAND IT, WE HAVE
3 REQUIREMENTS THAT SAY YOU CANNOT LANDFILL WHOLE TIRES. AND
4 WE NOW SAY THAT YOU CAN LANDFILL WHOLE TIRES IF THEY'RE
5 BALED. AND THAT WAS DUE TO A BOARD RESOLUTION BACK IN -- AN
6 ADOPTED POLICY BACK IN 1992.

7 DID I MISSTATE THAT, FITZ?

8 MR. FITZGERALD: YOU'RE ESSENTIALLY CORRECT.
9 STATUTE STATES THAT A TIRE MUST BE ALTERED IN ORDER TO BE
10 LANDFILLED.

11 MEMBER JONES: OKAY.

12 MR. FITZGERALD: AND THEN, BY DEFINITION, THE
13 BOARD IN THEIR RESOLUTION DEFINED A BALE TIRE AS AN ALTERED
14 TIRE, WHICH DID ALLOW IT TO BE LANDFILLED.

15 MEMBER JONES: ALL RIGHT. YOU KNOW, I FIND IT
16 INTERESTING THAT -- I DON'T HAVE A PROBLEM WITH WHERE MY
17 FELLOW BOARD MEMBERS ARE COMING FROM, BUT WE HAVE -- WE ARE
18 LOOKING AT SOME HUGE TIRE CLEANUPS IN THE STATE OF
19 CALIFORNIA.

20 ESPECIALLY IF THIS -- IF THIS REPORT GOES
21 THROUGH AND GIVES US THE MONEY TO CLEANUP 15 MILLION TIRES
22 IN TWO YEARS, AND BY EFFECTIVELY -- BY TAKING OUT ALTERED
23 TIRES FOR BALING, WE'RE TAKING OUT ONE WHOLE SEGMENT OF WHAT
24 CAN BE A REMEDIATION FACILITY TO US, AND SAYING WE'RE STILL

1 GOING TO DISPOSE OF THEM, BUT WE'RE GOING TO DO IT IF YOU
2 CHOP THEM, SHRED THEM, OR BURN THEM. BUT IF YOU BALE THEM
3 AND TAKE THEM TO A MONOFIL IN THIS NEXT TWO-YEAR PERIOD
4 WE'RE NOT GOING TO DO THAT, WE'RE NOT GOING TO DO THAT.

5 SO, YOU'VE TAKEN ONE SEGMENT OF POTENTIAL
6 REMEDIATORS OUT OF THE EQUATION, AND AT THE SAME TIME
7 POSSIBLY DRIVEN OUR COSTS UP.

8 I KNOW THAT THERE WAS SOME CONCERN IN PART OF
9 -- IN A COUNTY SOUTH OF US THAT, WHILE THERE WERE OPTIONS
10 AVAILABLE ON SITE, OR WHATEVER, THE RUMORS WERE THAT WE MAY
11 GO IN THERE AT A CHEAPER COST AND REMEDIATE THE POTENTIALLY
12 BIGGEST TIRE DISASTER THAT COULD HAPPEN BY BALING THEM AND
13 HAULING THEM AWAY. I HAD NEVER HEARD THAT, BUT I HEARD IT
14 COMING FROM PEOPLE, THAT THAT WAS A POTENTIAL REMEDIATION
15 FOR ONE OF THE BIGGEST TIRE PILES IN THE STATE.

16 AND IT -- IT STRUCK ME AS INTERESTING THAT WE
17 WANT TO ELIMINATE THAT WHEN WE'RE READY TO CLEAN UP EVERY
18 TIRE IN THE STATE -- TWO YEARS. SO, I DON'T KNOW WHAT
19 MOTIVATES -- WHAT MOTIVATED SOME OF THE LETTERS TO US. I
20 KNOW WHAT MOTIVATES THIS BOARD, AND IT'S ALL THE RIGHT
21 STUFF, I UNDERSTAND THAT COMPLETELY.

22 THE TIMING OF TAKING THAT OUT NOW AND NOT --
23 AND WHEN WE'RE GOING TO TRY TO CLEAN UP EVERY TIRE IN TWO
24 YEARS, I THINK TIES OUR HANDS. MAYBE IT IS APPROPRIATE TO

1 DEAL WITH IT AS PART OF THE REPORT FOR -- YOU KNOW, FOR TWO
2 AND THREE YEARS OUT, THAT THAT CAN'T -- YOU KNOW, WE CAN'T
3 DO THAT.

4 BUT, I THINK IF WE'RE SUCCESSFUL AND THIS
5 TIRE REPORT GOES THROUGH, AND WE HAVE TO CLEANUP 15 MILLION
6 TIRES, OF LEGACY TIRES, THAT ARE -- THAT DON'T HAVE -- SOME
7 OF THEM DON'T HAVE A BENEFICIARY USE -- THEN WE NEED EVERY
8 OPTION, EVERY -- WE NEED TO MINIMIZE THOSE EXPENSES AS MUCH
9 AS WE CAN TO DEAL WITH THE PROBLEM SO WE CAN BUILD THE
10 MARKETS FOR THE FLOW (PHONETIC) TIRES.

11 AND I DON'T WANT TO SEE THIS OPTION -- I --
12 BELIEVE ME, I RESPECT MY COLLEAGUES COMPLETELY AND KNOW WHAT
13 THEY'RE AFTER, AND I AGREE WITH WHAT YOU ARE AFTER. I WOULD
14 LIKE SOME CONSIDERATION AS TO WHAT'S GOING TO HAPPEN IN THE
15 NEXT TWO YEARS, AND NOT TAKE AWAY WHAT COULD BE A VIABLE
16 REMEDIATION TOOL FOR US AS WE TRY TO ATTACK 15 MILLION
17 TIRES.

18 CHAIRMAN EATON: SENATOR ROBERTI.

19 MEMBER ROBERTI: YEAH. MEMBER JONES MAKES, AS
20 USUAL, A INFORMED ARGUMENT BASED ON AN AWFUL LOT OF
21 EXPERIENCE IN THIS AREA. THE FACT THAT I DON'T AGREE WITH
22 IT DOESN'T MEAN IT'S NOT AN INFORMED ARGUMENT.

23 CHAIRMAN EATON: WHERE IS THAT GLAZING OVER THAT
24 WE NEED --

1 MEMBER ROBERTI: BUT -- BUT --

2 CHAIRMAN EATON: -- FROM TIME TO TIME BEFORE
3 LUNCH?

4 (THE PARTIES SIMULTANEOUSLY SPEAK.)

5 MEMBER JONES: I CAN NEVER GET HIM, I'LL TELL YOU.

6 MEMBER ROBERTI: BUT -- NO -- BUT -- BUT, WHAT'S -
7 -

8 (THE PARTIES SIMULTANEOUSLY SPEAK.)

9 MEMBER ROBERTI: -- ELEMENTARY ON THIS BOARD IS,
10 WE HAVE A HIERARCHY, AND THE BOTTOM OF THE HIERARCHY IS
11 LANDFILL. AND I THINK WE CONTRAMAND WHAT WE'RE SUPPOSED TO
12 BE DOING WHEN, IN THE VERY DEFINITIONS WE OPERATE UNDER,
13 SEEM TO BE GIVING A PRIORITY TO LANDFILLING.

14 AND, SO THAT DOESN'T MEAN THERE'S NOT MERIT
15 TO WHAT YOU SPEAK OF, BECAUSE THERE IS. AND THIS IS A CLOSE
16 QUESTION, IT'S NOT ONE WITH -- THAT'S ABSOLUTE ON ONE SIDE
17 OR THE OTHER. BUT, WE'RE ALWAYS TALKING ABOUT RETURNING TO
18 THE HIERARCHY. WHICH IS, YOU KNOW, I GUESS THE GUIDING LAW
19 THAT WE OPERATE UNDER HERE. AND, BOY, I THINK THAT WE'RE
20 DEFEATING THAT CONCEPT WHEN IN OUR DEFINITIONS WE MAKE IT
21 IMPOSSIBLE FOR US TO RETURN TO THE HIERARCHY.

22 SO, HAVING SAID THAT, I GUESS WE NEED ANOTHER
23 MOTION.

24 CHAIRMAN EATON: TRUNCATED AS IT MAY BE --

1 (THE PARTIES SIMULTANEOUSLY SPEAK.)

2 CHAIRMAN EATON: ALL RIGHT. WELL, I'M --

3 MEMBER JONES: MR. CHAIRMAN, I'LL -- I MOVE
4 RESOLUTION 1999-283, TO APPROVE THE FINAL REPORT AS REQUIRED
5 UNDER AB 117 AS IT STANDS.

6 MR. FITZGERALD: WITH THE PROPOSED CHANGES?

7 MEMBER JONES: WITH THESE PROPOSED CHANGES.

8 MR. FITZGERALD: OKAY.

9 MEMBER JONES: OKAY.

10 CHAIRMAN EATON: DO I HAVE A SECOND?

11 MEMBER ROBERTI: I'LL SECOND.

12 CHAIRMAN EATON: MR. JONES MOVES AND MISTER --
13 SENATOR ROBERTI SECONDS THAT WE ADOPT RESOLUTION -- I'M
14 SORRY, WE ADOPT THE FINAL --

15 (MR. JONES AND CHAIRMAN EATON CONFER.)

16 CHAIRMAN EATON: -- THAT WE ADOPT
17 1999-283, WITH PROPOSED CHANGES.

18 MADAM SECRETARY, PLEASE CALL THE ROLL.

19 THE SECRETARY: BOARD MEMBERS JONES?

20 MEMBER JONES: YES.

21 THE SECRETARY: PENNINGTON?

22 MEMBER PENNINGTON: AYE.

23 THE SECRETARY: ROBERTI?

24 MEMBER ROBERTI: AYE.

CALIFORNIA SHORTHAND REPORTING

1 THE SECRETARY: CHAIRMAN EATON?

2 CHAIRMAN EATON: AYE. OKAY.

3 MEMBER JONES: GOOD JOB, FITZ.

4 WASTE PREVENTION AND MARKET DEVELOPMENT:

5 CHAIRMAN EATON: GENTLEMEN, IF YOU REMEMBER,
6 ITEM NO. 13 WAS ON THE CONSENT CALENDAR THIS MORNING.

7 //

8 //

9 AGENDA ITEM 14(B): CONSIDERATION AND APPROVAL OF AWARD
10 OF INTERAGENCY AGREEMENT WITH THE UNIVERSITY OF CALIFORNIA
11 AT RIVERSIDE FOR THE DEVELOPMENT OF GENERIC GUIDANCE,
12 EDUCATIONAL, AND TRAINING MATERIALS FOR THE LANDSCAPE
13 MANAGEMENT OUTREACH PROGRAM

14 CHAIRMAN EATON: WE'LL MOVE TO ITEM NO. 14. IF
15 YOU CAN REMEMBER, 14(A) WAS PART OF THE CONSENT CALENDAR,
16 14(B) REMAINS TO BE VOTED UPON.

17 MS. TRGOVCICH: GOOD AFTERNOON CHAIRMAN EATON AND
18 MEMBERS, I'M CAREN TRGOVCICH, DEPUTY DIRECTOR OF THE WASTE
19 PREVENTION AND MARKET DEVELOPMENT DIVISION.

20 ITEM NO. 14(B) IS THE AWARD OF THE
21 INTERAGENCY AGREEMENT WITH THE UNIVERSITY OF CALIFORNIA AT
22 RIVERSIDE FOR THE DEVELOPMENT OF GENERIC GUIDANCE,
23 EDUCATIONAL, AND TRAINING MATERIALS FOR THE LANDSCAPE
24 MANAGEMENT OUTREACH PROGRAM. YOU APPROVED THE SCOPE OF WORK

1 FOR THIS AGREEMENT ON CONSENT THIS MORNING; THIS IS THE
2 ACTUAL AWARD TO THE UNIVERSITY OF CALIFORNIA AT RIVERSIDE.

3 THE STAFF WOULD BE HAPPY TO ANSWER ANY
4 QUESTIONS.

5 CHAIRMAN EATON: ANY QUESTIONS OF MS. TRGOVCICH?
6 HEARING NONE? OKAY.

7 MEMBER JONES: MR. CHAIRMAN

8 CHAIRMAN EATON: MR. JONES.

9 MEMBER JONES: WE'VE GOT TWO RESOLUTIONS, WHICH
10 ONE TAKES CARE OF THE MONEY?

11 CHAIRMAN EATON: (B), (B) --

12 MEMBER JONES: -- 243?

13 MS. TRGOVCICH: 243.

14 MEMBER JONES: OKAY.

15 MS. TRGOVCICH: RESOLUTION 1999-243.

16 MEMBER JONES: MR. CHAIRMAN, I'D LIKE TO MOVE
17 ADOPTION OF RESOLUTION 1999-243.

18 CHAIRMAN EATON: AND I'LL SECOND THAT MOTION.

19 SO, MR. JONES MOVES AND MR. EATON SECONDS
20 THAT RESOLUTION 1999-243 BE ADOPTED.

21 IF THERE ARE NO OBJECTIONS, WE'LL SUBSTITUTE
22 THE PREVIOUS ROLL CALL?

23 HEARING NO OBJECTIONS, SO SHALL BE ORDERED.

24 AGENDA ITEM 15(B): CONSIDERATION AND APPROVAL OF AWARD

1 OF CONTRACT FOR THE 2000 GRASSCYCLING PUBLIC EDUCATION
2 CAMPAIGN TO THE BUREAU OF SANITATION FOR THE CITY OF LOS
3 ANGELES

4 CHAIRMAN EATON: THE NEXT ITEM.

5 MS. TRGOVCICH: ITEM NO. 15(B), CHAIRMAN EATON AND
6 MEMBERS, IS CONSIDERATION AND APPROVAL OF AWARD OF CONTRACT
7 FOR THE 200 GRASSCYCLING PUBLIC EDUCATION CAMPAIGN TO THE
8 BUREAU OF SANITATION FOR THE CITY OF LOS ANGELES.

9 ONCE AGAIN, THE SCOPE OF WORK FOR THIS
10 CAMPAIGN WAS ON CONSENT THIS MORNING. THIS ITEM IS FOR THE
11 AWARD OF THE CONTRACT TO THE BUREAU OF SANITATION FOR THE
12 CITY OF L.A., AND THAT HAPPENS TO BE RESOLUTION NO. 1999-
13 245.

14 CHAIRMAN EATON: OKAY.

15 MEMBER JONES: MR. CHAIRMAN?

16 CHAIRMAN EATON: YES, MR. JONES.

17 MEMBER JONES: I WILL MOVE RESOLUTION 1999-245.

18 AND, ALSO WOULD LIKE TO SAY THIS IS AN
19 ONGOING PROJECT FOR THE LAST COUPLE OF YEARS, TRYING TO
20 ATTACK PART OF THE WASTE STREAM. AND I'M VERY ENCOURAGED
21 THAT STAFF HAS FOUND SOURCES OTHER THAN OIL MONEY TO DEAL
22 WITH THE POLLUTION ISSUES, AND WE CAN DEAL WITH THE
23 GRASSCYCLING ISSUE.

24 MEMBER PENNINGTON: I'LL SECOND THE MOTION.

1 CHAIRMAN EATON: ALL RIGHTY. MR. JONES MOVES AND
2 MR. PENNINGTON SECONDS THAT WE ADOPT THE RESOLUTION 1999-
3 245.

4 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE
5 PREVIOUS ROLL CALL. HEARING NO OBJECTION, SO SHALL BE
6 ORDERED.

7 AGENDA ITEM 16: CONSIDERATION OF APPROVAL OF THE
8 REVISED RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM
9 PROJECT ELIGIBILITY CRITERIA

10 CHAIRMAN EATON: THE NEXT ITEM.

11 MS. TRGOVCICH: ITEM NO. 16, MR. CHAIRMAN AND
12 MEMBERS, IS CONSIDERATION AND APPROVAL OF THE REVISED
13 RECYCLING MARKET DEVELOPMENT REVOLVING LOAN PROGRAM PROJECT
14 ELIGIBILITY CRITERIA. WE HAVE A BRIEF PRESENTATION FOR YOU
15 THIS AFTERNOON, AND IT WILL BE PRESENTED BY JOHN BLUE OF THE
16 DIVISION STAFF.

17 I'D LIKE TO JUST PROVIDE A VERY BRIEF
18 INTRODUCTION BY LETTING YOU KNOW THAT EACH YEAR THE BOARD
19 HEARS A ITEM APPROXIMATELY IN LATE SPRING/EARLY SUMMER TO
20 CONSIDER THE TYPES OF PROJECTS THAT YOU WOULD LIKE TO BE
21 BROUGHT FORWARD TO BE CONSIDERED UNDER THE BOARD'S REVOLVING
22 LOAN PROGRAM.

23 THE ELIGIBILITY CRITERIA IS VERY IMPORTANT
24 BECAUSE, AS ANY APPLICANT KNOWS, POTENTIAL BORROWER KNOWS,

1 THAT THEY HAVE MANY AVENUES OR OPTIONS SOMETIMES TO PURSUE
2 FINANCIAL RESOURCES, AND AT OTHER TIMES THEY MAY HAVE VERY
3 LIMITED OPTIONS DEPENDING UPON THEIR FINANCIAL STRENGTH.

4 BUT, IN EITHER CASE, THEY WANT
5 TO KNOW AHEAD OF TIME, BEFORE FILING AN APPLICATION FEE AND
6 CONSENTING TO PAY FOR SUBSEQUENT ACCOUNTING WORK, AND OTHER
7 APPROPRIATE-RELATED WORK, WHETHER OR NOT THEY FIT THE
8 PICTURE OF THE TYPE OF PROJECTS THAT THIS BOARD IS
9 INTERESTED IN HAVING BROUGHT FORWARD UNDER THE LOAN PROGRAM.

10 SO, THE ELIGIBILITY CRITERIA ARE USED ON A DAY-TO-DAY BASIS
11 BY OUR LOAN OFFICERS AND BY OUR RMDZ ADMINISTRATORS IN THE
12 FIELD. AND IT IS WHAT THE APPLICANTS SEE AS TO WHETHER OR
13 NOT THEY MEET THE TYPE OF PROJECT DESCRIPTION THAT THIS
14 BOARD IS INTERESTED IN.

15 SO, WITH THAT, I WILL TURN IT OVER TO JOHN
16 BLUE. HE WILL DESCRIBE BRIEFLY FOR YOU THE ELIGIBILITY
17 CRITERIAS THEY ARE WITH RESPECT TO THE CHANGES WE ARE
18 PROPOSING.

19 AND, WE DO HAVE A DISCUSSION ITEM FOR YOU
20 WHERE WE ARE SOLICITING YOUR DIRECTION, YOUR INPUT, ON SOME
21 POTENTIAL NEW CHANGES OR OPENING UP OF THE CRITERIA INTO NEW
22 AREAS.

23 CHAIRMAN EATON: MR. BLUE.

24 MR. BLUE: THANK YOU. GOOD AFTERNOON MR.

1 CHAIRMAN, BOARD MEMBERS.

2 THE REGULATIONS GOVERNING, AS CAREN MENTIONED
3 EARLIER, THE RMDZ REVOLVING LOAN PROGRAM ALLOWED THE BOARD
4 TO ESTABLISH LENDING PRIORITIES AND THE PROJECT ELIGIBILITY,
5 OR WHERE THE BOARD ESTABLISHES THE TYPE OF PROJECTS THEY
6 WISH TO FINANCE.

7 THE BOARD LAST ADOPTED ELIGIBILITY CRITERIA
8 IN JULY OF '97. AND THE CHANGES HERE -- THE BULK OF THEM
9 ARE LARGELY EDITORIAL, AND THEY'RE ATTACHMENT 2 IN YOUR
10 ITEM.

11 MORE SIGNIFICANTLY, WE'VE ADDED EXAMPLES OF
12 ELIGIBLE INFRASTRUCTURE AND ADC PROJECTS, AND WE'VE INCLUDED
13 A \$2 MILLION SET-ASIDE FOR THE BUY RECYCLING 1998 PROGRAM.

14 ADDITIONALLY IN THE ITEM, THE STAFF IS
15 PROPOSING TO ALLOW THE USE OF RMDZ FUNDS FOR DECONSTRUCTION
16 AS AN INFRASTRUCTURAL CAPITAL IMPROVEMENT PROJECT.

17 THE SHEET I JUST PASSED OUT INCLUDES SOME
18 ALTERNATIVE LANGUAGE FOR THE EXAMPLE OF AN ELIGIBLE
19 DECONSTRUCTION PROJECT THAT STAFF WOULD LIKE CONSIDERED WITH
20 THE ITEM. THIS WOULD ALLOW LOCAL GMS TO USE LOAN FUNDS FOR
21 DECONSTRUCTING MILITARY BASES PRIOR TO TRANSFER TO PRIVATE
22 PARTIES, AS WELL AS OTHER STRUCTURES. ADDITIONAL COPIES OF
23 THE CHANGES OF THE ITEM CAN BE FOUND IN THE BACK OF THE ROOM
24 IF ANYONE IS LOOKING FOR THEM.

1 ADDITIONALLY, STAFF IS PROPOSING THAT THE
2 BOARD REQUIRE LOCAL GOVERNMENT LOANS TO INCLUDE SOME BUY-
3 RECYCLED CRITERION. ON THE ITEM ON PAGE 16-4 OF THE PACKET,
4 STAFF PROVIDES A LIST OF THREE OPTIONS FOR THE BOARD TO
5 CONSIDER. THESE OPTIONS RANGE FROM THE MOST STRINGENT TO
6 THE LEAST STRINGENT.

7 STAFF RECOMMENDS THE BOARD SELECT ONE OF THE
8 OPTIONS FROM THE SPECIFIC LIMITATIONS INFRASTRUCTURE
9 PROJECTS SECTION, AND ADOPT THE PROPOSED 1999 RECYCLING
10 MARKET DEVELOPMENT REVOLVING LOAN PROGRAM PROJECT
11 ELIGIBILITY CRITERIA CONTAINED IN ATTACHMENT 2 USING THE
12 ALTERNATIVE DECONSTRUCTION LANGUAGE PROVIDED.

13 THIS CONCLUDES MY PRESENTATION. I'D BE HAPPY
14 TO ANSWER ANY QUESTIONS YOU HAVE AT THIS TIME.

15 MS. TRGOVCICH: CHAIRMAN EATON --

16 CHAIRMAN EATON: YES?

17 MS. TRGOVCICH: -- AND MEMBERS, WE KEPT THIS
18 PRESENTATION SHORT BECAUSE WE ANTICIPATE SOME DISCUSSION IN
19 THE AREAS THAT WE OUTLINED FOR YOU. WE ARE ESPECIALLY
20 INTERESTED IN YOUR THOUGHTS REGARDING LOCAL GOVERNMENT
21 INFRASTRUCTURE PROJECTS.

22 THE STATUTE ALLOWS THE MONIES, THE REGULATION
23 ALLOWS THE MONIES TO BE USED FOR THIS PURPOSE, BUT THE BOARD
24 HAS NOT, IN PREVIOUS ELIGIBILITY CRITERIA, LOOKED AT THE

1 SPECIFIC TYPES OF PROJECTS THAT YOU WOULD LIKE TO SEE COMING
2 FORWARD.

3 NEXT MONTH YOU WILL SEE THE FIRST LOAN COMING
4 FORWARD FROM A LOCAL GOVERNMENT, AND IT IS BEING BROUGHT
5 FORWARD UNDER THE EXISTING ELIGIBILITY CRITERIA.

6 BUT, THERE ARE OTHER OPTIONS. AND, AS WE
7 KNOW FROM OUR WORK CURRENTLY WITH THE COUNTY OF SACRAMENTO
8 AROUND THE MATHER FIELD PROJECT, AND MANY OF THE OTHER
9 CITIES AND LOCAL GOVERNMENT JURISDICTIONS THAT WE'RE WORKING
10 WITH, THERE ARE SOME OPPORTUNITIES.

11 THE STATUTE DOES LIMIT OUR ABILITY IN SOME
12 AREAS TO PROVIDE FUNDS, BUT WE WOULD CERTAINLY LIKE TO HAVE
13 A DISCUSSION AROUND THAT AS WELL.

14 MEMBER JONES: MR. CHAIRMAN, JUST A QUESTION.

15 CHAIRMAN EATON: MR. JONES.

16 MEMBER JONES: IN MY BRIEFING WE GOT IN A
17 DISCUSSION ABOUT -- ON THE TRANSFORMATION ISSUES, WHERE
18 WE'RE TALKING ABOUT GETTING AG WASTE AND PULLING OUT
19 (INDISCERNIBLE) FOR METHANOL (PHONETIC) OR ETHANOL, AND
20 THOSE TYPES OF PRODUCTS -- WHERE WE CAN -- WE CAN DERIVE A
21 FUEL SOURCE BUT WE REALLY DON'T DO MUCH TO BREAK THAT
22 MATERIAL DOWN. IT'S -- THE VOLUMES DON'T -- WE DON'T AFFECT
23 THE VOLUME OF MATERIAL THAT WILL ULTIMATELY BE -- GO TO A
24 LANDFILL, EVEN THOUGH WE ARE EXTRACTING SOMETHING POSITIVE

1 (PHONETIC) .

2 WHICH I DON'T HAVE A PROBLEM WITH. I MEAN,
3 IT'S -- I THINK THOSE TYPES OF PROJECTS ARE GOOD. BUT, I'D
4 LIKE US TO THINK ABOUT THE AREAS OF HYDROGEN, WHICH IS A
5 FUEL CELL (PHONETIC) -- I MEAN, A PRODUCT THAT CAN BE USED
6 IN A FUEL CELL.

7 AND THERE IS A LOT OF WORK GOING ON DOWN IN
8 SOUTHERN CALIFORNIA, ESPECIALLY DOWN AT -- OH, THE ONE OVER
9 THERE BY BURBANK AIRPORT -- ANYWAY --

10 MEMBER PENNINGTON: YOU MEAN THE JET PROPULSION
11 LAB?

12 MEMBER JONES: WELL, YOU KNOW, THE ONE RIGHT
13 ACROSS -- THAT'S DOING THE ALTERNATIVE FUELS?

14 ANYWAY, THERE'S A LOT OF WORK
15 BEING -- A LOT OF WORK THAT THEY'RE IN THE -- HUH?

16 (UNIDENTIFIED PARTIES CONFER OFF-MIKE.)

17 MEMBER JONES: I CANNOT THINK OF THE NAME, I'LL
18 THINK OF IT IN ABOUT TWO MINUTES, I'VE GOT OLD-TIMER'S
19 DISEASE.

20 MEMBER ROBERTI: A SENIOR MOMENT.

21 MEMBER JONES: A SENIOR MOMENT.

22 BUT, I THINK THAT IF WE LOOK AT SOME OF THE
23 PYROLYSIS THAT IS GOING ON THAT'S PUTTING HYDROGEN OUT,
24 THEY'RE LOOKING AT LANDFILLS AS SOURCES, THEY'RE ALSO LOOK

1 AT WASTE STREAMS AS SOURCES, IT'S NOT TRANSFORMATION.

2 BUT, IN HAVING SOME DISCUSSIONS WITH PAUL
3 RELLIS (PHON) AND OTHERS, PAUL IS -- PAUL AND I HAVE TALKED
4 QUITE A BIT ABOUT THAT THIS MAY BE ANOTHER PIECE. YOU KNOW,
5 ABOUT TRYING TO EXTRACT THOSE TYPE OF FUELS AND AFFECT
6 (PHON) THAT WASTE STREAM.

7 I DON'T NECESSARILY WANT TO PROMOTE IT, BUT I
8 DON'T WANT TO PRECLUDE US FROM BEING ABLE TO TALK ABOUT IT.
9 YOU KNOW, I MEAN, IF WE HAVE IT IN HERE AS SOMETHING THAT
10 WE CAN LOOK AT MAYBE WE CAN OPEN UP A WHOLE 'NOTHER AVENUE
11 IN GETTING US OUTSIDE THE BOX AND LOOKING AT SOME OTHER
12 TECHNOLOGIES FOR SOLID WASTE HANDLING THAT MAY HAVE SOME
13 REAL BENEFITS.

14 MS. TRGOVCICH: I THINK WE HAVE SEEN A GREAT DEAL
15 OF INTEREST, ESPECIALLY RECENTLY, IN THE ALTERNATIVE TYPE
16 FUELS.

17 WE RECENTLY HAD A MEETING DOWNTOWN WHERE THE
18 NATIONAL RENEWABLE ENERGY LABORATORY CAME OUT AND PRESENTED
19 SOME OF THE PROJECTS THAT THEY ARE CURRENTLY WORKING ON.
20 AND, I BELIEVE THERE ARE THREE MAJOR PROJECTS THAT ARE
21 MOVING IN, INTO THIS STATE AT SOME LEVEL, BE IT AN R&D OR
22 COMMERCIALIZATION PHASE.

23 I WILL SAY THAT WHAT WE DID HERE
24 IS, MAY OF THESE PROJECTS ARE ON THE ORDER OF \$50- TO \$70-

1 MILLION PROJECTS. BUT, REGARDLESS, WE DO SEE A ROLE THAT WE
2 COULD POTENTIALLY PLAY ALONG WITH OTHER AGENCIES THAT MAY
3 HAVE FINANCIAL ASSISTANCE-TYPE PROGRAMS.

4 MEMBER JONES: RIGHT. THEY COULD GO TO FEDERAL
5 ENERGY TO GET THE BULK OF THAT MONEY. RIGHT?

6 MS. TRGOVCICH: THERE ARE PROGRAMS WHERE FUNDING
7 IS MADE AVAILABLE, IT DEPENDS UPON WHO THEY'RE PARTNERING
8 WITH, IT DEPENDS UPON WHERE IT'S LOCATED, THERE ARE A
9 VARIETY OF FACTORS.

10 MEMBER JONES: SO WE MAY BE ABLE TO JUST FILL A
11 PIECE.

12 MS. TRGOVCICH: CORRECT.

13 MR. BLUE: MAY I ASK A CLARIFYING QUESTION?

14 WERE YOU LOOKING FOR SOME LANGUAGE TO -- LIKE
15 BROADENING THIS, TO ALLOW HYDROGEN PRODUCTION FROM AG OR
16 GREEN WASTE?

17 MEMBER JONES: ACTUALLY, I THINK BROADER THAN THAT
18 --

19 MR. BLUE: OR, HOW ABOUT -

20 MEMBER JONES: -- SO THAT WE DON'T LIMIT OURSELVES
21 TO --

22 MS. TRGOVCICH: WHAT ABOUT IF UNDER ELIGIBLE --
23 AND I DON'T EVEN KNOW THAT --

24 MR. BLUE: I HAVE SOME LANGUAGE, I CAN PROPOSE

1 SOME LANGUAGE HERE. DO YOU HAVE --

2 MEMBER JONES: BUT IT CAN'T JUST BE GREEN WASTE.

3 MR. BLUE: NO, I KNOW.

4 MEMBER JONES: OKAY.

5 MR. BLUE: WELL, IN THIS INSTANCE I WAS THINKING
6 PRODUCTION OF FUELS, OR FUEL PRODUCTION FROM AGRICULTURAL OR
7 GREEN WASTE, AND ALSO CROP RESIDUE OR GREEN WASTE.

8 MS. TRGOVCICH: ALTERNATIVE FUELS --

9 MEMBER JONES: I'D LIKE TO CHANGE THAT ALTERNATIVE
10 FUELS FROM THE --

11 MR. BLUE: OKAY.

12 MEMBER JONES: -- MUNICIPAL SOLID WASTE STREAM.

13 MR. BLUE: OKAY. WELL, THAT WOULD -- SO INCLUDE -
14 -

15 (THE PARTIES SIMULTANEOUSLY SPEAK.)

16 MR. BLUE: -- MUNICIPAL WASTE AND AGRICULTURAL
17 CROP RESIDUE?

18 MEMBER JONES: YEAH. I'M TRYING TO BROADEN IT --

19 MR. BLUE: OKAY.

20 MEMBER JONES: -- THE BASE FROM JUST NOT
21 AGRICULTURAL --

22 MR. BLUE: RIGHT.

23 MEMBER JONES: -- BUT TO THAT WHOLE SPECTRUM --

24 MR. BLUE: YEAH.

1 MEMBER JONES: -- OF SOLID WASTE.

2 BECAUSE THAT'S WHAT THEY WERE TALKING TO US
3 ABOUT, WAS THAT THERE WAS -- THERE WERE ENERGY SOURCES, EVEN
4 AT CLOSED LANDFILLS, TO BE ABLE TO PULL THAT MATERIAL OUT.
5 WHICH IS COMPRISED OF A LOT MORE THAN JUST THE ORGANICS.
6 SO.

7 MS. TRGOVCICH: CORRECT. SO IF -- SO THAT NEW
8 LINE UNDER ELIGIBLE, ARE WE ON PAGE 16-15 OF THE PACKET?

9 AND UNDER ELIGIBLE IT WOULD SAY: "PRODUCTION
10 OF ALTERNATIVE FUELS FROM THE MUNICIPAL SOLID WASTE STREAM
11 AND/OR AGRICULTURAL CROP RESIDUES"?

12 MEMBER JONES: IF THAT WOULD - IF THAT'S WHAT THE
13 REST OF THE BOARD MEMBERS WOULD -- I MEAN, THAT WOULD WORK
14 FOR ME, AS A -- I THINK THAT'S BROAD ENOUGH.

15 AND IT'S ONLY A CONSIDERATION --

16 CHAIRMAN EATON: RIGHT.

17 MEMBER JONES: -- I MEAN, JUST TO GIVE US A LITTLE
18 MORE ROOM TO LOOK AT PROJECTS.

19 CHAIRMAN EATON: WHAT WAS THE LANGUAGE AGAIN?

20 MS. TRGOVCICH: THE LANGUAGE AGAIN -- AND IT WOULD
21 BE AT THE TOP OF PAGE 16-15, "TRANSFORMATION PROJECTS,"
22 UNDER ELIGIBLE.

23 CHAIRMAN EATON: UM-HUM.

24 MS. TRGOVCICH: THE THIRD BULLET WOULD BE CHANGED

1 TO READ: "PRODUCTION OF ALTERNATIVE FUELS FROM THE
2 MUNICIPAL SOLID WASTE STREAM AND/OR AGRICULTURAL CROP
3 RESIDUES."

4 MEMBER JONES: AND THAT WOULD BE ITEM FOUR.
5 RIGHT?

6 MS. TRGOVCICH: I WOULD --

7 MEMBER JONES: WHICH WOULD STILL LEAVE THREE.

8 MS. TRGOVCICH: I THINK THAT THIS COULD SUBSTITUTE
9 FOR THERE, IT WOULD BE BROAD ENOUGH.

10 MALE VOICE: THAT'S WHAT I WAS THINKING.

11 MEMBER JONES: OKAY, THAT'S FINE, THANK YOU.

12 CHAIRMAN EATON: OKAY? FINE.

13 THE ISSUE, WITH REGARD TO SOME DIRECTION, IS
14 REGARDING PERHAPS SOME SUSTAINABILITY, AS IT RELATES TO
15 LOCAL JURISDICTIONS, I BELIEVE ON PAGE 16-16, IF I'M NOT
16 MISTAKEN, OPTIONS ONE, TWO AND THREE, WHERE WE HAVE THE
17 OPTION TO JUST USE KIND OF ENCOURAGEMENT LANGUAGE OF, YOU
18 KNOW, WHERE FEASIBLE A 15% SORT OF THRESHOLD AND A 50%
19 THRESHOLD.

20 AND I THINK JUST FROM MY STANDPOINT, IS THAT
21 EVEN THOUGH THIS STATES AT 50%, LOCAL JURISDICTIONS MAY OR
22 MAY NOT YET HAVE THE EXPERTISE TO DO SOME OF THOSE PROJECTS.
23 BUT I THINK WE'VE ALSO KIND OF GOT TO BE IN THE PROCESS, SO
24 I WOULD LIKE TO SELECT OPTION TWO, WHICH IS 15%, WHICH KIND

1 OF GIVES THEM AT LEAST AN INITIAL STEP OR TWO WITHOUT REALLY
2 SORT OF, YOU KNOW, HAMMERING THEM, AND ALSO NOT LETTING THEM
3 COMPLETELY OFF THERE, AND SEE IF WE CAN'T GET SOME REALLY
4 GOOD PROJECTS THAT WE CAN THEN SHOW OTHERS AND SAY, SEE, IT
5 REALLY CAN BE. SO THAT WOULD BE THE ONE I WOULD PREFER.

6 MEMBER PENNINGTON: I WOULD AGREE WITH YOU, MR.
7 CHAIRMAN. BUT I WOULD ALSO LIKE TO ADD TO THAT SOMETHING
8 ALONG THE LINES THAT SAYS WHENEVER POSSIBLE RECYCLED
9 MATERIALS TO BE USED SHOULD BE MANUFACTURED IN CALIFORNIA,
10 OR FROM CALIFORNIA WASTE. THERE'S NO NEED FOR US TO BE
11 TAKING SOMEBODY ELSE'S STUFF.

12 CHAIRMAN EATON: SO, IN OTHER WORDS, WE WOULD SAY
13 --

14 MEMBER PENNINGTON: WELL, IF YOU USE RECYCLED --

15 CHAIRMAN EATON: YEAH, I'M JUST --

16 MEMBER PENNINGTON: -- PLASTIC LUMBER --

17 CHAIRMAN EATON: RIGHT. RIGHT, I'M JUST --

18 MEMBER PENNINGTON: -- IF THERE'S A MANUFACTURER
19 HERE IN CALIFORNIA THEY SHOULD BE GIVEN MORE CONSIDERATION
20 THAN AN ILLINOIS MANUFACTURER, FOR EXAMPLE.

21 MS. TRGOVCICH: AND THAT CERTAINLY FITS WITH --

22 CHAIRMAN EATON: RIGHT.

23 MS. TRGOVCICH: -- THE DIRECTION WE'VE TAKEN ON
24 PROJECTS SUCH AS THE EAST END PROJECT AND OTHERS, WHERE

1 WE'VE BEEN LOOKING AT LIFE CYCLE COSTS, AND WE'VE BEEN
2 LOOKING AT THE TRANSPORTATION ISSUE AS WELL.

3 SO THAT WOULD BE ADDED TO OPTION TWO.

4 MEMBER PENNINGTON: CORRECT.

5 CHAIRMAN EATON: CORRECT. SO NOT ONLY BUY
6 RECYCLED BUT BUY CALIFORNIA RECYCLED. OKAY.

7 ANY OTHER QUESTIONS OR COMMENTS OR OPTIONS?
8 DISCUSSION?

9 MS. TRGOVCICH: WAS THERE ANY DISCUSSION WITH
10 RESPECT TO THE LOCAL GOVERNMENT INFRASTRUCTURE FOCUS ON
11 DECONSTRUCTION ACTIVITIES?

12 CHAIRMAN EATON: OKAY. LET ME GET THERE.

13 MS. TRGOVCICH: AND THE KEY ISSUES FOR THAT --

14 CHAIRMAN EATON: WHICH NUMBER?

15 MS. TRGOVCICH: THAT'S DISCUSSED ON PAGE 16-4.
16 AND JOHN --

17 CHAIRMAN EATON: DIDN'T WE JUST TAKE CARE OF THAT
18 WITH -- MAYBE I'M MISTAKEN --

19 MS. TRGOVCICH: 16-14.

20 MEMBER JONES: YEAH.

21 MS. TRGOVCICH: INFRASTRUCTURE CAPITAL IMPROVEMENT
22 PROJECTS. OH, MAYBE -- YEAH, YOU SELECTED THE OPTION, AND
23 THEN THIS WOULD FEED BACK IN.

24 CHAIRMAN EATON: CORRECT. BECAUSE THAT'S WHAT I

1 WAS TRYING TO FIND. I WENT TO, FIRST, 16-4, BUT THEN YOU
2 WERE WORKING OFF THE ACTUAL ELIGIBILITY CRITERIA.

3 MS. TRGOVCICH: THE OPTION LANGUAGE. CORRECT.

4 MEMBER JONES: MR. CHAIRMAN?

5 CHAIRMAN EATON: WE'RE CONSISTENT THERE.

6 MS. TRGOVCICH: YES.

7 MEMBER JONES: JUST A QUESTION OF EITHER YOU OR
8 CAREN. WHEN WE'RE TALKING ABOUT 15% RECYCLED CONTENT, WHEN
9 WE'RE LOOKING AT A PROJECT LIKE THAT, IF THEY HAVE A LOT OF
10 MATERIAL IN THAT PROJECT THAT IS 50, 50 OR 70% RECYCLED
11 CONTENT, AND A LOT OF OTHERS THAT MIGHT BE, YOU KNOW, ZERO
12 OR 5% OR WHATEVER, WE'RE LOOKING AT AN AVERAGE.

13 WE'RE NOT SAYING THAT THE MATERIAL NEEDS TO
14 BE 15%, RIGHT? WE'RE LOOKING AT THIS AS OVERALL, WHEREVER
15 POSSIBLE, WE WANT TO ACHIEVE 15% FOR THE PROJECT. IS THAT
16 WHAT I'M UNDERSTANDING?

17 MS. TRGOVCICH: CORRECT.

18 MR. BLUE: YES.

19 CHAIRMAN EATON: FOR THE PROJECT.

20 MS. TRGOVCICH: IT'S NOT BY PRODUCT, IT IS
21 OVERALL.

22 MEMBER JONES: RIGHT. SO IT'S GOING TO BE A GIVE
23 AND TAKE TYPE -- BECAUSE I DON'T WANT TO LIMIT US HERE,
24 BECAUSE THERE'S SOME THINGS THAT WE CAN GET THAT ARE 100% --

1 MR. BLUE: RIGHT.

2 MEMBER JONES: -- AND OTHERS THAT HAVE VERY, YOU
3 KNOW, MINIMAL AMOUNTS. AND I THOUGHT I UNDERSTOOD IT TO
4 MEAN THAT, I JUST WANTED TO GET CLARIFICATION BECAUSE I NEED
5 THAT SOMETIMES.

6 CHAIRMAN EATON: HARDLY NEVER EVER WOULD --

7 MEMBER PENNINGTON: WELL, WE CERTAINLY DON'T WANT
8 THEM TO TEAR OUT TO GET DOWN TO 15%.

9 CHAIRMAN EATON: OKAY. I HAVE MR. EVAN EDGAR WHO
10 WOULD LIKE TO COMMENT ON....

11 MR. EDGAR: CHAIRMAN AND BOARD MEMBERS, MY NAME IS
12 EVAN EDGAR, EDGAR ASSOCIATES, ON BEHALF OF THE CALIFORNIA
13 REFUSE REMOVAL COUNCIL.

14 WHAT WE HAVE HERE TODAY IS A 1999 POLICY THAT
15 KIND OF OPENS UP SOME OLD ISSUES, AND I TAKE A NEW OUTLOOK
16 ON IT. WHAT I'D LIKE TO REVIEW IS PAGE THREE, 16-3 I
17 BELIEVE, LET ME FIND IT -- NO, 16-13, REGARDING TYPES OF
18 PROJECTS. UNDER ADC, ALTERNATIVE DAILY COVER, IT STATES
19 THAT RMDZ PROGRAMS, ADC WOULD BE A TYPE OF PROJECT ELIGIBLE
20 FOR RMDZ PROGRAMS.

21 WHAT I HAVE FOR THE LAST YEAR IS A POSITION
22 PAPER ABOUT ADC ABUSE IN CALIFORNIA, AND THIS IS SOMETHING
23 THAT'S BEEN GOING ONGOING AND IT'S BEING RAMPANT THROUGHOUT
24 CALIFORNIA USING GREEN WASTE.

CALIFORNIA SHORTHAND REPORTING

1 I BELIEVE THAT ANY LANDFILL OR PROJECT USING
2 OVER 10% OF ADC GREEN WASTE TO SOLID WASTE DISPOSAL SHOULD
3 NOT BE ELIGIBLE FOR RMDZ PROGRAM LOANS IN ORDER TO ABUSE
4 ADC. THIS IS AN ISSUE I BROUGHT UP OVER A YEAR AGO, I'D
5 LIKE TO CONTINUE ON THE DISCUSSION, AND MAYBE HOLD A
6 WORKSHOP ABOUT ADC ABUSE IN ORDER TO HIGHLIGHT MY CONCERNS.
7 THERE'S A COALITION WITHIN THE INDUSTRY WITH CAW, CRA, AS
8 WELL AS CRC THAT'D LIKE TO HIGHLIGHT THIS ISSUE EVEN
9 FURTHER.

10 BUT IN TODAY'S DISCUSSION ON THE 1999 POLICY
11 FOR RMDZ LOANS I'D LIKE TO POINT OUT SOME TYPE OF LIMITATION
12 OF ADC PROJECTS WHERE ADC ABUSE IS RAMPANT. THAT'S MY FIRST
13 ISSUE.

14 THE SECOND ISSUE I HAVE IS UNDER RECYCLING
15 PROJECTS, WHAT IS ELIGIBLE. ONE THING THAT IS MISSING IS
16 TITLE 14 COMPLIANCE. I'VE BEEN IN FRONT OF THIS BOARD ON
17 MANY DIFFERENT TITLE 14 ISSUES WITH REGARDS TO CROKER (PHON)
18 AND C&D WASTE, OR RIVER HAWK AND DOS AMIGOS RANCH ON
19 MULCHING PROJECTS. AND ONE THING THAT I -- WE USED TO HAVE
20 IN THE POLICY BACK IN 1993-94 WAS THAT ANY RECYCLING PROJECT
21 WHERE THEY NEEDED A -- SOME TYPE OF PROCESSING PERMIT THAT
22 NEEDED TO BE IN COMPLIANCE WITH TITLE 14.

23 IF THAT COULD BE ADDED BACK INTO THE ELIGIBLE
24 PROJECT LIST, THAT WOULD BE APPRECIATED, BECAUSE IN THE PAST

1 I BELIEVE THAT SOME OF THE LOANS HAVE GONE TO SOME
2 FACILITIES THAT MAY NOT BE IN COMPLIANCE.

3 A THIRD THING I'D LIKE TO POINT OUT IS THAT
4 IT DOES SAY UNDER INELIGIBLE PROJECTS THAT LAND APPLICATION
5 OR RECLAIMED PROJECTS USING MULCH AND/OR COMPOST OTHER THAN
6 FOR ADC. JUST TWO MONTHS AGO I BELIEVE DOS AMIGOS RANCH
7 DOES NOT MAKE COMPOST, THEY MAKE MULCH, AND THEY APPLY IT.
8 ACCORDING TO THIS LIST HERE THEY WOULD NOT BE ELIGIBLE FOR
9 ANY TYPE OF RMDZ LOANS, BUT YET THEY WERE GRANTED ONE.

10 SO THERE'S SOME OLD HISTORY I HAVE BROUGHT UP
11 OVER THE PAST, AND TODAY'S 1999 POLICY COULD ADD SOME
12 CLARIFYING NOTES ABOUT ADC AND LAND APPLICATION OF MULCH AND
13 TITLE 14 COMPLIANCE. THANK YOU.

14 CHAIRMAN EATON: CAN I GET A BIT OF CLARIFICATION?
15 YOU USED THE WORD "RAMPANT ABUSE" --

16 MR. EDGAR: CORRECT.

17 CHAIRMAN EATON: -- OF ADC. YET IN THE SHEET YOU
18 HANDED US IT TALKS ABOUT IT BEING ABUSED IN A FEW MARKET
19 ZONES IN CALIFORNIA. WILL THE REAL EVAN EDGAR PLEASE STAND
20 UP?

21 MR. EDGAR: HE'S HERE. THE HANDOUT I --

22 CHAIRMAN EATON: I MEAN, BECAUSE WE'VE HAD THE
23 DISCUSSION BEFORE AND IT IS A CONCERN, BUT YOU SAID THAT
24 THERE WERE SOME ISOLATED -- SO IS THERE SOMETHING IN

1 ADDITION NOW THAT WE DON'T KNOW? AND THAT'S WHAT I'M JUST
2 TRYING TO GET AT. I WAS BEING SOMEWHAT FACETIOUS. BUT, I
3 MEAN, IN ESSENCE IS THERE SOMETHING THAT'S THERE NOW SINCE
4 YOUR LAST REPORT?

5 MR. EDGAR: CORRECT. WHAT YOU HAVE IN FRONT OF
6 YOU IS A HANDOUT I JUST HAPPENED TO HAVE ON ME FROM THE
7 BIOCYCLE CONFERENCE I PUT OUT, SO IT'S DATED -- I BELIEVE
8 IT'S DATED MARCH, 1999.

9 CHAIRMAN EATON: RIGHT.

10 MR. EDGAR: SINCE THAT TIME THE 1998 NUMBERS HAVE
11 CAME IN. IF YOU LOOK AT MY ANALYSIS THERE, IT'S BASED UPON
12 1997 INFORMATION. AND AS OF RECENT, I DO NOT HAVE THE 1998
13 BOE NUMBERS AND 1998 ADC NUMBERS. LOOKING AT THOSE NUMBERS
14 IT HASN'T ATTENUATED, IT'S GOTTEN WORSE IN THE SAME MARKET
15 ZONES AND IN NEW MARKET ZONES.

16 SO MY INITIAL ANALYSIS ON THE 1998 NUMBERS,
17 THAT IS WORSE, IT'S MORE RAMPANT, AND THAT'S WHY I'D LIKE TO
18 BRING BACK TO THE BOARD IN THE FUTURE IS, ONCE I GET DONE
19 WITH MY ANALYSIS ON 1998, IN COALITION WITH THE CALIFORNIA
20 ORGANIC RECYCLING COUNCIL, CAW, AND CRA, IS BRING THE
21 INFORMATION BACK TO HIGHLIGHT THAT RAMPANT ABUSE OF ADC IN
22 MANY MARKET ZONES IN CALIFORNIA.

23 MS. TRGOVCICH: CHAIRMAN EATON?

24 CHAIRMAN EATON: YES.

1 MS. TRGOVCICH: WOULD YOU LIKE ME TO PROVIDE SOME
2 RESPONSE TO THE THREE ISSUES THAT MR. EDGAR RAISED?

3 CHAIRMAN EATON: PLEASE.

4 MS. TRGOVCICH: WITH RESPECT TO -- AND I'D LIKE TO
5 TAKE THE ADC AND TITLE 14 COMPLIANCE ISSUE, I THINK THERE
6 WOULD BE VALUE IN TAKING THEM TOGETHER.

7 THESE ARE ELIGIBILITY CRITERIA, SO THIS IS
8 FOR PURPOSES OF THE APPLICANTS TO SEE DOES MY PROJECT MEET
9 THE NEEDS OF THE BOARD, MEET THE REQUIREMENTS OF THE STATE
10 IN TERMS OF THE TYPES OF PROJECTS THEY WANT TO SEE COMING
11 FORWARD.

12 THE REGULATIONS, AS WELL AS THE LOAN
13 DOCUMENTS, THE CLOSING DOCUMENTS, THE COVENANTS REGARDING
14 THE LOAN ITSELF, SPECIFY THAT EACH AND EVERY PROJECT MUST BE
15 IN COMPLIANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.

16 AND THIS ISSUE HAS COME UP WITH RESPECT TO A
17 NUMBER OF LOANS IN THE PAST. AND YOU'LL REMEMBER THAT WE
18 HAVE -- WE SEND INSPECTORS OUT TO THESE SITES TO BE ABLE TO
19 PROVIDE REPORTS TO THE BOARD IN ADVANCE OF BOARD
20 CONSIDERATION OF ANY LOAN APPLICATION WHERE STATE SOLID
21 WASTE REGULATION GOVERNS THOSE OPERATIONS. THEY ARE ALSO
22 REQUIRED TO BE IN COMPLIANCE WITH ANY OTHER LOCAL OR FEDERAL
23 REGULATIONS.

24 SO THAT WOULD BE SOMETHING THAT WE TAKE CARE

1 OF, AND IT IS IN REGULATION. IT IS NOT IN THE ELIGIBILITY
2 CRITERIA BECAUSE THIS IS JUST A PROJECT DOCUMENT.

3 SO, WITH RESPECT TO ADC, GOING BACKWARDS JUST
4 A LITTLE BIT, WHATEVER OTHER REQUIREMENTS THE BOARD SET
5 FORTH, WHATEVER THE APPROVAL REQUIREMENTS ON THE USE OF ADC
6 THAT THE BOARD HAS IN ITS OTHER PROGRAMS WOULD GOVERN ANY
7 USE OF FUNDS UNDER THE LOAN PROGRAM FOR THOSE TYPE OF
8 PROJECTS.

9 AND, TO MY KNOWLEDGE, AND I CAN JUST STATE
10 FROM MY THREE YEARS IN THIS PROGRAM, I HAVE NOT SEEN A LOAN
11 COME FORWARD FOR THE USE OF ADC, AND I DO NOT KNOW -- AND I
12 CANNOT SAY FOR CERTAIN WHETHER THERE'S BEEN ANY LOAN --
13 EVERYONE'S SHAKING THEIR HEADS NO. SO, I DON'T BELIEVE
14 THERE HAS EVER BEEN A LOAN WHERE IT HAS BEEN AN ADC-RELATED
15 LOAN.

16 THIS ELIGIBILITY CRITERIA HAS BEEN IN THE
17 DOCUMENT FOR AS LONG -- FOR MANY YEARS NOW. IT MAY BE
18 SOMETHING YOU WANT TO TAKE OUT BECAUSE OF LACK OF USE, OR
19 APPROPRIATENESS.

20 WITH RESPECT TO THE MULCH ISSUE THAT EVAN
21 RAISED, I'D JUST LIKE TO POINT YOUR ATTENTION TO PAGE 16-14
22 --

23 MEMBER ROBERTI: IF I COULD JUST INTERJECT, BASED
24 ON WHAT MS. TRGOVCICH IS SAYING? AND THAT IS, I DON'T SEE

1 HOW FOR PURPOSES OF DIVERSION RATES WE CAN CHANGE THE FACT
2 THAT WE USE ALTERNATIVE DAILY COVER AS A FACTOR. BUT, I
3 THINK THIS BOARD WOULD BE REMISS IF WE DO ANYTHING BEYOND
4 THAT AND START ENCOURAGING ITS USE AS AN ASPECT OF
5 DIVERSION.

6 THERE'S A DIFFERENCE IN ALLOWING IT AND
7 ENCOURAGING IT. AND THE FACT THAT WE ALLOW IT DOESN'T MEAN
8 THAT WE SHOULD ENCOURAGE IT, BECAUSE, FRANKLY, IT'S A
9 FICTION AND EVERYBODY KNOWS IT'S A FICTION, BUT IT'S A
10 FICTION WHICH WE ALLOWED AND WE JUST CANNOT ALLOW
11 MUNICIPALITIES TO -- WE CANNOT NOW FORCE UPON MUNICIPALITIES
12 SOMETHING WHICH WE SHOULD HAVE REALIZED MAYBE A NUMBER OF
13 YEARS AGO.

14 SO, AS FAR AS MY OWN PERSONAL VOTE AROUND
15 HERE IS CONCERNED, I'M NOT GOING TO DO ANYTHING TO ENCOURAGE
16 ALTERNATIVE DAILY COVER AS ANYTHING OTHER THAN A FICTION.
17 BUT IT'S A FICTION WE'VE LEARNED TO LIVE WITH,
18 UNFORTUNATELY, AND WE CAN'T IMPOSE IT UPON MUNICIPALITIES AT
19 THIS LATE DATE, TO MAKE THAT CHANGE.

20 MS. TRGOVCICH: WITH RESPECT TO THE MULCH COMMENT,
21 ON PAGE 16-14, YOU CAN SEE UNDER RECYCLING PROJECTS THERE'S
22 AN ELIGIBLE HEADING AND AN INELIGIBLE HEADING. UNDER
23 ELIGIBLE THE THIRD BULLET IS "PRODUCING MULCH OR COMPOST."
24 UNDER INELIGIBLE, THE FOURTH BULLET IS "LAND APPLICATION OR

1 RECLAMATION PROJECTS."

2 THE ELIGIBLE ITEM IS INTENDED TO FOCUS ON
3 OPERATIONS SUCH AS DOS AMIGOS, WHERE THEY ARE IN THE
4 PRODUCTION OPERATION. THAT'S WHAT THEY ARE DOING, THEY ARE
5 PRODUCING THE MATERIAL.

6 THE FOURTH BULLET UNDER INELIGIBLE IS REALLY
7 FOCUSED ON REMEDIATION PROJECTS, WHERE IT'S THE ACTUAL
8 APPLICATION, SO THE LOAN FUNDS ARE GOING FOR THE ACTUAL
9 PLACEMENT OF THAT MATERIAL AS A REMEDIATION PROJECT.

10 MEMBER JONES: BUT ISN'T THAT -- MR. CHAIRMAN?
11 ISN'T THAT A LITTLE BIT OF A -- ON THE ONE THAT YOU'RE
12 TALKING ABOUT, THESE ARE TRIMMINGS FROM HIS FIELDS THAT HE
13 GRINDS UP AND PUTS DOWN ON HIS LAND.

14 MS. TRGOVCICH: BUT THE LOAN WAS FOR EQUIPMENT
15 THAT WOULD BE USED TO TAKE IN WASTE FROM THE URBAN WASTE
16 STREAM, AND IT WAS TO PROCESS THAT MATERIAL INTO MULCH. IT
17 WAS NOT TO RECLAIM THE LAND. NONE OF THE LOAN FUNDS WERE
18 USED WITH RESPECT TO THE PLACEMENT OF THE PRODUCT. THE LOAN
19 FUNDS WERE USED TO INCREASE HIS CAPACITY TO PROCESS, TO
20 PRODUCE THE MULCH COMING FROM THE URBAN WASTE STREAM.

21 MEMBER JONES: AND THE MULCH IS GOING TO GO ON HIS
22 LAND.

23 MS. TRGOVCICH: BUT THE DISTINCTION -- THE ONLY
24 DISTINCTION I'M DRAWING HERE, IN TERMS OF WHAT'S INELIGIBLE,

1 IS WE'VE HAD APPLICANTS COME IN BEFORE WHERE THEY'RE THE
2 LANDOWNER, AND WHAT THEY WANT IS A LOAN TO BRING MULCH IN,
3 THEY'RE NOT PRODUCING IT, THEY HAVE NOTHING TO DO OTHER THAN
4 A ONE-TIME REMEDIATION EFFORT, IN A SENSE, TO FILL A HOLE IN
5 THE GROUND.

6 AND THAT'S WHY THIS ITEM WAS ADDED UNDER
7 INELIGIBLE, BECAUSE WE'VE HAD A NUMBER OF APPLICANTS COME IN
8 AND APPROACH US. PERHAPS THE WORDING IS CONFUSING, AND
9 THAT'S WHAT RAISES THE ISSUE.

10 MEMBER JONES: BUT WHEN YOU LOOK AT THE TOTAL
11 PACKAGE, WHICH WE LOOKED AT THAT DAY, THE FACT THAT THE
12 DOLLARS WERE GOING TO BUY THE SCREEN OR BUY, YOU KNOW,
13 WHATEVER HE WAS GOING TO USE TO DO THE PROCESSING, ALLOWED
14 HIM TO SPEND HIS OWN DOLLARS TO DO THE LAND APPLICATION
15 THAT'S GOING TO GO ON HIS LAND.

16 I MEAN, IT'S A TRADE OF DOLLARS TO GET -- YOU
17 KNOW, REALLY YOU'VE GOT TWO ISSUES HERE. YOU'VE GOT PART OF
18 HIS PROJECT WAS ELIGIBLE AND PART OF IT WASN'T.

19 MS. TRGOVCICH: THE DISTINCTION THAT I WOULD DRAW
20 THERE WOULD BE TWOFOLD. THAT, ONE, THE EQUIPMENT THAT'S
21 BEING USED IS TO PROCESS WASTE COMING FROM A -- IT'S TO
22 ACTUALLY DO THE PROCESSING INTO MULCH. AND THEN, TWO, THOSE
23 ARE ONGOING CONTRACTS, IT'S NOT A ONE-TIME REMEDIATION OF A
24 SPECIFIC PIECE OF LAND, AND THAT'S IT, AND THEN THE FUNDS

1 ARE NO LONGER BEING USED FOR ANY PURPOSE RELATED TO
2 DIVERSION.

3 MEMBER JONES: OKAY. I MEAN, I'M GOING TO
4 REMEMBER -- BECAUSE THAT WAS NOT ONE THAT I WANTED TO VOTE
5 FOR, BUT THERE'S FOUR OF US UP HERE. AND IT WAS BECAUSE OF
6 YOUR INELIGIBILITY AND THE FACT THAT ALL THEY WERE DOING
7 WERE TRADING DOLLARS TO GAIN A COMPETITIVE ADVANTAGE, SEEMS
8 LIKE AN INTERESTING USE OF OUR MONEY. MY OPINION.

9 MR. EDGAR: THANK YOU FOR THE CLARIFICATION, THAT
10 HELPED ME OUT.

11 CHAIRMAN EATON: ALL RIGHT. I DON'T HEAR ANY
12 MOTION, SO --

13 MEMBER PENNINGTON: WELL, WE CAN DO ONE HERE, I'M
14 SURE WE CAN FIGURE THIS OUT. I'LL MOVE ADOPTION OF
15 RESOLUTION 1999-246, WITH -- I GUESS THE MOTION SHOULD SAY
16 THE ADOPTION OF OPTION TWO.

17 WAS THERE ANOTHER THING WE HAD TO PICK?

18 MEMBER JONES: YOU WANTED TO ADD TO OPTION TWO,
19 REMEMBER?

20 MEMBER PENNINGTON: OPTION TWO --

21 MS. TRGOVCICH: OKAY.

22 MEMBER PENNINGTON: WITH THE ADDITION OF AND WHEN
23 POSSIBLE RECYCLED MATERIAL TO BE USED SHOULD BE MANUFACTURED
24 IN CALIFORNIA OR FROM CALIFORNIA WASTE.

1 WAS THERE ANOTHER --

2 MEMBER JONES: THE TRANSFORMATION PROJECT.

3 MEMBER PENNINGTON: OH, THAT'S RIGHT, THE
4 TRANSFORMATION PROJECT.

5 MEMBER JONES: FIFTEEN WAS ALTERNATIVE FUELS.

6 MEMBER PENNINGTON: RIGHT, WITH THE ADDITION OF
7 ALTERNATE FUEL -- WHAT DID YOU HAVE?

8 CHAIRMAN EATON: ALTERNATE FUELS FROM THE
9 MUNICIPAL SOLID WASTE STREAM.

10 MEMBER PENNINGTON: RIGHT.

11 MEMBER JONES: INCLUDING AG CROP RESIDUE.

12 MEMBER PENNINGTON: OKAY? DOES THAT COVER IT?

13 CHAIRMAN EATON: I THINK SENATOR ROBERTI HAS A
14 COMMENT AS WELL. OR A --

15 MEMBER ROBERTI: THE PURPOSE OF (INAUDIBLE).
16 CAN YOU HEAR ME?

17 MEMBER PENNINGTON: THAT'S FINE WITH ME.

18 MEMBER ROBERTI: OKAY. COULD YOU INCORPORATE THAT
19 IN YOUR MOTION?

20 MEMBER PENNINGTON: YES.

21 MEMBER ROBERTI: THEN I'M FINE.

22 CHAIRMAN EATON: YOU MEAN THAT THE -- THERE WOULD
23 BE NO ELIGIBILITY, RIGHT?

24 MEMBER ROBERTI: THERE'S NO ELIGIBILITY.

1 CHAIRMAN EATON: JUST DELETE IT.

2 MEMBER ROBERTI: YES, YES. FOR PURPOSES OF THE
3 LOAN, NOT FOR PURPOSES OF DIVERSION RATES --

4 (THE PARTIES SIMULTANEOUSLY SPEAK.)

5 CHAIRMAN EATON: -- WE'RE JUST TALKING IN TERMS OF
6 --

7 MEMBER JONES: MR. CHAIRMAN?

8 CHAIRMAN EATON: MR. JONES.

9 MEMBER JONES: I'LL SECOND THE MOTION.

10 CHAIRMAN EATON: SEE, YOU JUST FOUND A FRIEND
11 THERE.

12 MEMBER ROBERTI: THAT'S RIGHT, A MEETING OF THE
13 MINDS.

14 MEMBER ROBERTI: CAN WE INCLUDE BALED TIRES IN
15 THAT --

16 MEMBER JONES: NO.

17 CHAIRMAN EATON: BUT LO AND BEHOLD, IN THE DEEP,
18 DARK RECESSES THERE'S A BALING MACHINE --

19 (THE PARTIES SIMULTANEOUSLY SPEAK.)

20 CHAIRMAN EATON: OKAY. ALL RIGHT. MR. JONES, YOU
21 SECONDED THAT --

22 MEMBER JONES: I DID SECOND MR. PENNINGTON'S
23 MOTION, WITH ALL THOSE AMENDMENTS.

24 CHAIRMAN EATON: MR. PENNINGTON MOVES AND MR.

1 JONES SECONDS THAT WE ADOPT THE PROPOSED RMDZ LOAN PROGRAM
2 ELIGIBILITY CRITERIA WITH THE CHANGES AS IT RELATES TO
3 TRANSFORMATION PROJECTS, OPTION TWO, WHICH IS THE 15%, WHICH
4 ALSO INCLUDED A PREFERENCE FOR BUYING CALIFORNIA RECYCLED
5 PRODUCTS, IF I'M NOT MISTAKEN, AND THEN DELETING AS PART OF
6 ANY ELIGIBILITY REQUIREMENT ADC OR ADC-RELATED TYPE
7 PROJECTS. I THINK THAT --

8 MEMBER PENNINGTON: THAT SOUNDS GOOD.

9 CHAIRMAN EATON: ALL RIGHT.

10 MEMBER PENNINGTON: YOU GOT MY MOTION CLEAR.

11 CHAIRMAN EATON: I'M TRYING.

12 MEMBER PENNINGTON: EVEN THOUGH I DIDN'T.

13 CHAIRMAN EATON: I'M CHANNELING, YOU KNOW. MADAM
14 SECRETARY -- IT'S BEEN A WHILE SINCE WE HAD A ROLL CALL,
15 LET'S SEE IF WE'RE ALL STILL HERE -- WOULD YOU...?

16 THE SECRETARY: BOARD MEMBERS JONES?

17 MEMBER JONES: AYE.

18 THE SECRETARY: PENNINGTON?

19 MEMBER PENNINGTON: AYE.

20 THE SECRETARY: ROBERTI?

21 MEMBER ROBERTI: AYE.

22 THE SECRETARY: CHAIRMAN EATON?

23 CHAIRMAN EATON: AYE.

24 THANK YOU, MR. BLUE.

1 MR. BLUE: THANK YOU.

2 MEMBER JONES: YEAH, THANK YOU, NICE JOB.

3 AGENDA ITEM 18: CONSIDERATION OF APPROVAL OF RECYCLING
4 MARKET DEVELOPMENT REVOLVING LOAN PROGRAM APPLICATION FOR
5 GROVER LANDSCAPE SERVICES, INC.

6 CHAIRMAN EATON: ITEM NO. 18.

7 MS. TRGOVCICH: ITEM NO. 18, MR. CHAIRMAN AND
8 MEMBERS, IS CONSIDERATION OF APPROVAL OF RECYCLING MARKET
9 DEVELOPMENT REVOLVING LOAN PROGRAM APPLICATION FOR GROVER
10 LANDSCAPE SERVICES, INC.

11 JUST TO BRIEFLY REMIND THE MEMBERS ONCE
12 AGAIN, BEFORE WE GO INTO THE PRESENTATION ON THIS ITEM, THAT
13 FOR THIS FISCAL YEAR THE BOARD HAS APPROVED AND FUNDED 10
14 LOANS TOTALING \$7.4 MILLION. WE HAVE AN ADDITIONAL TWO
15 LOANS TOTALING \$2 MILLION THAT THE BOARD HAS APPROVED WHICH
16 HAS NOT YET BEEN FUNDED, BRINGING THE TOTAL FOR THIS FISCAL
17 YEAR TO \$9.4 MILLION.

18 I'D JUST LIKE TO REQUEST A MOMENT OF SILENCE
19 AND CONGRATULATION TO THE LOAN STAFF, IT'S AN OUTSTANDING
20 EFFORT TO ALMOST DOUBLE THE APPROPRIATION AMOUNT FOR THIS
21 FISCAL YEAR IN TERMS OF LOANS PROCESSED AND FUNDED.

22 CHAIRMAN EATON: NOW IS THAT PART OF THE PLATINUM
23 CIRCLE OR THE GOLDEN HORSESHOE, OR --

24 MS. TRGOVCICH: I'LL FIGURE IT OUT.

1 CHAIRMAN EATON: ALL RIGHT.

2 MS. TRGOVCICH: WITH THAT, I'D LIKE TO TURN THE
3 PRESENTATION OVER TO JEFF INGLES.

4 MR. INGLES: GOOD AFTERNOON, CHAIRMAN EATON, BOARD
5 MEMBERS. I'M PLEASED TO PRESENT THIS AFTERNOON RMDZ REQUEST
6 FOR GROVER LANDSCAPE SERVICES, INC., LOCATED IN STANISLAUS
7 COUNTY, A RECYCLING MARKET DEVELOPMENT ZONE.

8 GROVER LANDSCAPING HAS APPLIED FOR A \$1
9 MILLION LOAN TO PURCHASE NEW MACHINERY, EQUIPMENT, LEASEHOLD
10 IMPROVEMENTS, AND OTHER ITEMS TO INCREASE PRODUCTION OF
11 THEIR FACILITY. THE PROJECT WILL INCREASE THE PRODUCTION OF
12 COMPOST MATERIAL AND PROVIDE INTERMEDIATE PROCESSING OF
13 GREEN WASTE AND WOOD WASTE MATERIAL.

14 THE CURRENT DIVERSION OF GROVER LANDSCAPE
15 SERVICES, INC., IS 50,000 TONS PER YEAR, AND THIS NEW
16 PROJECT WILL ADD AN ADDITIONAL 100,000 TONS PER YEAR FOR A
17 TOTAL OF 150,000 TONS PER YEAR.

18 THE COMPOSTING OPERATION IS LOCATED IN TWO
19 PERMITTED SITES IN STANISLAUS COUNTY.

20 ON JUNE 17TH, 1999, THE LOAN COMMITTEE MET
21 AND APPROVED THE LOAN REQUEST SUBJECT TO YOUR APPROVAL
22 TODAY, IF IT SO BE, FOR TODAY'S MEETING, THE BOARD MEETING.

23 IN CONCLUSION, WE'D LIKE TO RECOMMEND
24 ADOPTION OF 1999-273, THE APPROVAL OF GROVER LANDSCAPE

1 SERVICES, INC., FOR THE AMOUNT OF THE \$1 MILLION LOAN
2 REQUEST.

3 AND IF THERE'S ANY QUESTIONS AT THIS TIME I'D
4 BE HAPPY TO ENTERTAIN THOSE.

5 CHAIRMAN EATON: ANY QUESTIONS OF --

6 MEMBER PENNINGTON: MR. CHAIRMAN?

7 CHAIRMAN EATON: MR. PENNINGTON.

8 MEMBER PENNINGTON: ONE OF THE FIRST PLACES I
9 VISITED WHEN I CAME ON THE BOARD FOUR YEARS AGO WAS GROVER,
10 THEIR FARM AND SOME OF THE STUFF THEY WERE DOING WITH THEIR
11 COMPOSTING, AND I ALSO VISITED THEM ONE OTHER TIME.

12 SO, THEREFORE, I'D BE PLEASED TO MOVE THE
13 ADOPTION OF THE STAFF REPORT AND GRANT THE LOAN.

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN EATON: MR. JONES.

16 MEMBER JONES: I'D LIKE TO SECOND THAT MOTION.
17 GROVER HAS A GREAT REPUTATION, AND THAT'S -- WE LIKE DOING
18 BUSINESS LIKE THAT.

19 CHAIRMAN EATON: MR. PENNINGTON --

20 MEMBER PENNINGTON: MY MOTION SHOULD ALSO INCLUDE
21 RESOLUTION -- ADOPTION OF RESOLUTION 1999-273.

22 CHAIRMAN EATON: THANK YOU. MR. PENNINGTON MOVES
23 AND MR. JONES SECONDS THAT WE ADOPT RESOLUTION 1999-273.

24 WITHOUT OBJECTION WE'LL SUBSTITUTE THE

1 PREVIOUS ROLL CALL. HEARING NO OBJECTION, SO SHALL BE
2 ORDERED.

3 AND I WOULD ALSO LIKE TO THANK THE STAFF AS
4 WELL. I THINK IT'S REALLY HARD, ESPECIALLY IN TODAY'S
5 ECONOMIC TIMES, WHERE WE ACTUALLY WERE ABLE TO BE SUCCESSFUL
6 IN A MARKET WHERE THE COMPETITION IS VERY, VERY STIFF. AND
7 HOPEFULLY NOW THAT WE'LL BE EVEN MORE COMPETITIVE.

8 I BELIEVE -- DIDN'T THEY JUST RAISE THE RATES
9 AGAIN FOR PRIME LENDING IN THE LAST COUPLE OF DAYS? SO, YOU
10 KNOW, MAYBE WE CAN REACH THAT \$10 MILLION MARK.

11 WE'RE JUST GOING TO TAKE A VERY SHORT FIVE-
12 MINUTE BREAK.

13 MEMBER JONES: MR. CHAIRMAN, JUST ONE QUICK THING?

14 CHAIRMAN EATON: SURE.

15 MEMBER JONES: BASED ON SENATOR ROBERTI'S
16 DISCUSSIONS AND MINE, AND EVERYBODY ELSE'S, AND THE COMMENTS
17 OF EVAN, I DON'T KNOW IF THIS IS THE APPROPRIATE PLACE, BUT
18 I THINK THAT WE NEED TO DIRECT THE EXECUTIVE DIRECTOR TO
19 TALK TO P&E STAFF, AND LET'S DO A REAL SURVEY AND ASSESSMENT
20 OF THE USE OF ADC, AND WHERE THE ABUSES ARE.

21 I FIRMLY BELIEVE THAT WE NEED ADC -- BECAUSE
22 I'VE HAD TO BUY MOUNTAINS, AND I'VE SAID THAT BEFORE -- BUT,
23 I DON'T AGREE WITH THE ABUSES. I MEAN, I DON'T AGREE WHEN
24 SOMEBODY PERMITS SOMETHING FOR A THOUSAND TONS INSTEAD OF

1 700, IF IT'S GOING TO BE 700 OR MORE IT'S GOING TO BE ADC.

2 SO I'D LIKE TO DO THAT, AND I DIDN'T KNOW --
3 BEFORE WE GOT OFF ORGANICS I THOUGHT IT WAS A GOOD TIME TO
4 BRING THAT UP, MR. CHAIRMAN.

5 CHAIRMAN EATON: WELL, I WOULD AGREE
6 WHOLEHEARTEDLY WITH YOU, AND ASK THE OTHER BOARD MEMBERS TO
7 JOIN WITH YOU.

8 BECAUSE EVERYPLACE I GO, AND EVEN -- MOST
9 PEOPLE KNOW THAT I WAS ONE OF THE STAFF PEOPLE WHO ACTUALLY
10 DID THE BUSTAMANTE BILL THAT SORT OF ALLOWED THE,
11 QUOTE/UNQUOTE, "FICTION" TO BE THE CASE -- BUT, WHEREVER WE
12 GO WE SEE PEOPLE POINTING THEIR FINGERS AT ADC AS THE EVIL
13 TO WHY THEY CAN'T CREATE A MARKET. IT DOESN'T MATTER WHICH
14 SEGMENT IT MIGHT BE, IT COULD BE IN THE COMPOST AREA, IT
15 COULD BE IN THE TIRE AREA, IT COULD BE COGEN PLANTS.

16 I THINK IT'S A GOOD IDEA. WHY DON'T WE JUST
17 TRY TO GET TOGETHER WITH MR. CHANDLER, AND IF WE COULD
18 DIRECT HIM TO COME BACK WITH SOME PROPOSALS ABOUT HOW TO GO
19 ABOUT IT SO THE BOARD CAN HAVE SOME INPUT AS AN ITEM I THINK
20 THAT WOULD BE GOOD, AND WORK WITH THE STAFF WHO HAVE HAD
21 SOME EXPERIENCE ON IT AND SEE IF WE CAN'T AT LEAST SEPARATE
22 FACT FROM FICTION AS IT RELATES TO THE ADC ISSUE, AND SOME
23 OF THE PROPOSED ABUSES.

24 MEMBER JONES: THANKS, MR. CHAIRMAN.

1 MR. CHANDLER: AND I'D BE PLEASED TO DO THAT. I'M
2 RIGHT WITH YOU. MEMBER JONES HAD ALREADY MADE A NOTE BEFORE
3 WE WILL BE GETTING INTO THIS A BIT.

4 I THINK WHAT I WILL DO IS EITHER INDIVIDUALLY
5 WORK AROUND --

6 CHAIRMAN EATON: THAT WOULD BE HELPFUL.

7 MR. CHANDLER: -- PUT AN OUTLINE TOGETHER IN THE
8 NEXT COUPLE OF WEEKS, AND WE'LL FRAME IT OUT SO THAT WE
9 DON'T RUN OFF AND PRODUCE CHARTS AND GRAPHS AND INFORMATION
10 WITHOUT GETTING IT PROPERLY OUTLINED AS TO EXACTLY WHAT
11 YOU'D LIKE TO SEE IN THIS STUDY. SO I'LL DO THAT IN THE
12 NEXT COUPLE OF WEEKS.

13 CHAIRMAN EATON: A SHORT FIVE-MINUTE RECESS.

14 (OFF THE RECORD; BRIEF RECESS.)

15 CHAIRMAN EATON: BACK IN SESSION.

16 ADMINISTRATION AND POLICY:

17 AGENDA ITEM 19: CONSIDERATION AND APPROVAL OF
18 REALLOCATION OF PREVIOUSLY APPROVED CONTRACT CONCEPT MONIES
19 TO AUGMENT CONTRACT #IWM-C7039 WITH THE CALIFORNIA
20 CONSERVATION CORPS

21 CHAIRMAN EATON: ITEM NO. 19, MOVING INTO
22 ADMINISTRATION AND POLICY.

23 MS. FRIEDMAN: GOOD AFTERNOON, CHAIRMAN EATON AND
24 BOARD MEMBERS. FOR THE RECORD, I'M JUDY FRIEDMAN, DEPUTY

1 DIRECTOR WITH THE DIVERSION PLANNING AND LOCAL ASSISTANCE
2 DIVISION.

3 THE NEXT TWO ITEMS ARE RELATED. ITEM 19 IS
4 CONSIDERATION OF REALLOCATION OF CONTRACT CONCEPT MONIES FOR
5 AN AUGMENTATION OF A CONTRACT WITH THE CALIFORNIA
6 CONSERVATION CORPS. ITEM 20 IS THE ACTUAL AWARD OF THE
7 CONTRACT TO AUGMENT THE EXISTING CCC CONTRACT BY \$500,000.

8 THE BULK OF THE DISCUSSION WILL BE IN ITEM
9 19, WHERE THE APPROACH WILL BE DESCRIBED BY STAFF.

10 AND WITH THAT, I'D LIKE TO TURN THE
11 PRESENTATION OVER TO BOB BOUGHTON, WITH THE USED OIL AND
12 HOUSEHOLD HAZARDOUS WASTE BRANCH, WHO WILL BE MAKING THE
13 PRESENTATION FOR STAFF.

14 MR. BOUGHTON: THANKS, JUDY.

15 MR. CHAIRMAN AND BOARD MEMBERS, AS JUDY
16 MENTIONED, THIS IS -- ITEM 19 IS ASKING FOR THE REALLOCATION
17 OF UNSPENT CONTRACT DOLLARS FROM CURRENT YEAR CONCEPTS TO
18 AUGMENT THE CCC CONTRACT.

19 AND, AS YOU KNOW, CCC HAS BEEN CONDUCTING
20 USED OIL OUTREACH AND LOCAL GOVERNMENT ASSISTANCE FOR
21 SEVERAL YEARS NOW WITH A PROGRAM PRINCIPALLY TARGETING RURAL
22 AND UNDER-SERVED AREAS IN THE STATE, MOSTLY IN THEIR SERVICE
23 AREA.

24 THEY'RE CURRENTLY UNDER A TWO-YEAR CONTRACT,

1 AND TO DATE THEY PROVIDED CONSIDERABLE LOCAL ASSISTANCE AND
2 CLASSROOM PRESENTATIONS TO HIGH SCHOOL STUDENTS. AND THE
3 DETAILS OF THAT ARE MORE PRESENTED IN ITEM 20.

4 BECAUSE OF ALL OF THE EFFORTS THAT THEY'VE
5 EXPENDED THUS FAR THEY'RE RUNNING OUT OF THEIR CURRENT FUNDS
6 IN THE CURRENT CONTRACT, AND IN JULY OR SO THEY'LL RUN OUT
7 OF THEIR MONIES, AND THAT'S WHY WE'RE HERE TODAY. THERE ARE
8 FUNDS AVAILABLE FROM THE UNSPENT CONTRACT FUNDS FROM THE
9 CURRENT YEAR TO REALLOCATE.

10 AS I MENTIONED, THE CCC HAS FOCUSED THEIR
11 EFFORT ON RURAL AND UNDER-SERVED AREAS. AND NOW I WOULD
12 LIKE TO GIVE SOME MORE DETAIL ON HOW WE WOULD LIKE THE CCC
13 TO FOCUS ON -- WITH THE ADDITIONAL MONIES IF IT IS AWARDED.

14 BECAUSE THERE ARE A SIGNIFICANT NUMBER OF
15 COMMUNITIES WHICH ARE IN NEED OF ASSISTANCE, AND MANY OF
16 WHICH -- OF THOSE HAVE NOT MET THE 25% GOAL IN 1995, AND MAY
17 NOT MEET THE 50% GOAL AS WELL -- AT THE SUGGESTION OF MR.
18 EATON, I'VE WORKED WITH JUDY FRIEDMAN AND PAT SCHIAVO TO
19 COME UP WITH A LIST OF THOSE JURISDICTIONS.

20 WE HAVE ABOUT 40 JURISDICTIONS WHICH ARE NOT
21 MEETING THE 25% GOAL, WHICH HAVE HAD THE BIENNIAL REVIEWS
22 COMPLETED. AND THEN THERE'S A LIST OF ABOUT 60 COMMUNITIES
23 WHICH HAVE RECEIVED NOTICE OF A COMPLIANCE HEARING IN
24 SEPTEMBER.

1 SO OUT OF THOSE 100 JURISDICTIONS -- AND I
2 BELIEVE I PROVIDED THIS LIST TO ALL OF YOUR OFFICES
3 YESTERDAY -- OUT OF THIS 100, THEN, WE HAD OUR GRANT
4 MANAGERS REVIEW THIS LIST AND KIND OF AS A TRIAGE LIST THE
5 ONES THAT HAVE SIGNIFICANT AND ADEQUATE PROGRAMS, AND THE
6 ONES THAT ARE REALLY LACKING IN TERMS OF PROGRAMS, WE HAVE
7 KIND OF A ONE, TWO, THREE SCALE.

8 AND OUT OF THAT LIST, IT'S INTERESTING TO
9 NOTE, THE RESULTS ARE THAT THERE'S ABOUT 15 THAT ARE -- HAVE
10 VERY LIMITED OIL PROGRAMS THAT ARE ON THIS LIST, AND THOSE
11 COULD BE A TOP PRIORITY FOR CCC TO VISIT.

12 THERE WAS ANOTHER 30-PLUS THAT HAVE OIL
13 PROGRAMS BUT WOULD SIGNIFICANTLY BENEFIT FROM CCC ASSISTING
14 THEM, AND THAT'S ON THIS LIST AS KIND OF A NUMBER TWO. AND
15 ALONG WITH THAT LIST I'D LIKE TO, YOU KNOW, INCLUDE THE
16 OTHER LOCAL -- RURAL AND LOCAL GOVERNMENTS THAT ARE IN NEED
17 OF OIL ASSISTANCE KIND OF AS A SECOND TIER.

18 AND THEN AS A THIRD TIER, THERE'S PROBABLY 15
19 OR SO WHICH ARE VERY -- ON THIS LIST OF A HUNDRED THAT ARE
20 VERY EASY FOR CCC TO PICK UP, BECAUSE WHEN THEY'RE WORKING
21 IN ONE PARTICULAR REGION OR A COUNTY IT'S EASY FOR THEM TO
22 HIT THESE OTHER CITIES. SO, ALL TOTALED, ON THIS LIST
23 THERE'S 60-PLUS THAT ARE EASY HITS FOR CCC TO PERFORM IN
24 CONJUNCTION WITH WHAT THEY'RE DOING ALREADY IN THE RURAL AND

1 UNDER-SERVED AREAS.

2 SO, THAT I WANTED TO BRING FOR YOUR
3 CONSIDERATION TO SEE IF THAT'S A GOOD WAY TO HELP FOCUS
4 CCC'S EFFORT.

5 AND, WITH THAT, I WOULD LIKE TO OPEN IT UP TO
6 QUESTIONS AFTER I PRESENT THE OPTION. WHICH IS, TO APPROVE
7 THE REALLOCATION OF CONTRACT CONCEPT FUNDS AND ADOPT
8 RESOLUTION 1999-282.

9 CHAIRMAN EATON: ANY QUESTIONS FOR MR. BOUGHTON?

10 MEMBER JONES: MR. CHAIRMAN?

11 CHAIRMAN EATON: YES.

12 MEMBER JONES: I'M GOING TO MOVE THIS MOTION --
13 OR, MOVE THIS RESOLUTION.

14 BUT, I DO WANT TO SAY FOR THE -- AND I'M NOT
15 SURE IF THE CHAIRMAN WAS HERE WHEN -- THE CCC CAME FORWARD
16 LAST YEAR OR THE YEAR BEFORE FOR A FUNDING REQUEST FOR A
17 MILLION AND A HALF. RIGHT? TWO YEARS AGO. I THINK, YEAH,
18 FOR A MILLION AND A HALF. AND WHAT WE DID AT THAT TIME WAS,
19 WE SAID, YOU KNOW, TRY TO WORK WITH THE LOCALS AND SEE WHAT
20 KIND OF MONEY YOU CAN GET OUT OF THE OPPORTUNITY GRANTS THAT
21 WE GAVE OTHER CITIES AND SEE IF YOU CAN HELP FUND YOURSELF
22 THROUGH THAT. AND I KNOW THEY DID THAT. THAT WAS ONE OF
23 THE QUESTIONS I ASKED. AND I THINK YOU -- I THINK THE CCC'S
24 GOT HOOKED UP WITH 20 OR 30 CITIES, OR 10 --

1 MR. BOUGHTON: I THINK 40 OR SO.

2 MEMBER JONES: FORTY?

3 MR. BOUGHTON: YEAH, 40 OR SO --

4 MEMBER JONES: FORTY CITIES TO USE

5 THOSE OPPORTUNITY DOLLARS. AND IT WAS THE REQUEST OF THIS
6 BOARD -- AND I -- TRUTHFULLY, I THINK I MADE THE MOTION AT
7 THE TIME TO GO OUT AND SEE
8 WHAT YOU COULD DO TO GET LOCAL MONEY SO WE
9 DIDN'T SPEND A MILLION AND A HALF, WE'LL GIVE YOU A HALF-A-
10 MILLION NOW AND SEE WHAT YOU CAN DO, AND THEY DID THAT.

11 AND THEY NEED THE FUNDING, AND I THINK THEY
12 PROVIDE A VALUE, AND I'M GOING TO MOVE -- IF THERE AREN'T
13 MORE QUESTIONS -- I'M GOING TO MOVE THE ADOPTION OF
14 RESOLUTION 1999-282, WITH THE UNDERSTANDING OF THE SCHEDULE
15 THAT YOU PUT OUT, BOB, TO BE ADHERED TO.

16 CHAIRMAN EATON: AND I'LL SECOND THAT MOTION.

17 I'D LIKE TO THANK BOB AND THE STAFF, BECAUSE
18 I THINK THIS IS A PERFECT ISSUE AS WE COME UP -- YOU KNOW,
19 WE'VE HAD A LOT WITH BASE-YEAR AND WHAT HAVE YOU, AND WE'VE
20 SAT DOWN AND WENT THROUGH SOME OF THIS STUFF. AND IT WAS
21 DIFFICULT, BECAUSE COMMUNICATING AND TRYING TO FIGURE OUT
22 WAYS TO DO IT, THERE'S A LOT MORE COMPLICATIONS THAT LIE
23 BELOW THAT WE AS BOARD MEMBERS SOMETIMES DON'T UNDERSTAND.
24 BUT WE TRIED TO MEET HALFWAY.

1 AND IT'S ONE OF THESE SITUATIONS THAT WHILE
2 WE HAVE SOME OF THESE MONIES, OR THESE MONIES ARE AVAILABLE
3 THAT MAY BE LEFT OVER, THEY SHOULD GO TO WHERE PEOPLE WHO
4 NEED THAT HELP, SO THAT WHEN THEY COME BACK AND SAY WE
5 DIDN'T HAVE THE MONEY FOR THE PROGRAMS, WE CAN'T DO THE
6 PROGRAMS, NOW WE ARE GIVING THEM NO WAY TO SAY NO TO THE
7 HELP BECAUSE WE'RE GIVING IT TO THEM FREE. AND I THINK THAT
8 THIS IS JUST ONE OF THE EXAMPLES, AND CCC IS A GOOD
9 ORGANIZATION. AND I JUST THINK THAT IT'S GOOD THAT WE
10 TARGET SOME OF OUR FUNDS FOR PEOPLE WHO ARE IN NEED.

11 SO, MR. JONES MOVES AND MR. EATON SECONDS
12 THAT WE ADOPT RESOLUTION 1999-282.

13 WITHOUT OBJECTION, IF WE CAN SUBSTITUTE THE
14 PREVIOUS ROLL CALL? HEARING NO OBJECTION, SO SHALL BE
15 ORDERED.

16 MR. BOUGHTON: THANK YOU.

17 //

18 //

19 AGENDA ITEM 20:

20 CONSIDERATION OF AWARD OF CONTRACT AUGMENTATION OF
21 \$500,000 TO CALIFORNIA CONSERVATION CORPS FOR CONTRACT #IWM-
22 C7039

23 CHAIRMAN EATON: THE FINAL ITEM FOR THE DAY WILL
24 BE ITEM NO. 20, WHICH IS THE ACTUAL AWARD OF THE CONTRACT.

1 MEMBER JONES: THE MONEY.

2 CHAIRMAN EATON: THE MONEY. ARE YOU THE CLOSER,
3 LIKE IN A CAR DEAL? I DON'T WANT THE EXTRA WAX OR ALARM
4 SYSTEM.

5 MS. FRIEDMAN: MR. CHAIRMAN AND BOARD MEMBERS, JIM
6 ROBINSON WILL BE MAKING THE PRESENTATION FOR STAFF.

7 MR. ROBINSON: GOOD AFTERNOON, CHAIRMAN EATON,
8 BOARD MEMBERS. MY NAME IS JIM ROBINSON, I'M WITH THE USED
9 OIL GRANT PROGRAM.

10 WHAT I'D LIKE TO DO IS JUST GIVE A VERY SHORT
11 HISTORY OF ITEM NO. 20, AND THEN INTRODUCE KRISTIANA VIDUYA,
12 WHO IS THE PROJECT SUPPORT MANAGER OF CCC. SHE'LL BE GIVING
13 A PRESENTATION AND THEN ANSWER ANY TYPE OF QUESTIONS THAT
14 YOU MAY HAVE.

15 THE BOARD AWARDED THE CCC CONCEPT IN
16 DECEMBER, 1997, TO STRENGTHEN RELATIONS WITH GRANTEEES BY
17 PROVIDING SUPPORT FOR THE LOCAL PROGRAMS AND CONTINUING
18 EDUCATION OUTREACH TO TARGET ANOTHER 75,000 STUDENTS.

19 THE CONTRACT TERM IS FROM DECEMBER 15TH, '97,
20 THROUGH MAY OF 2000, AND IT'S FUNDED AT \$1 MILLION. THE CCC
21 INDICATES THAT THIS FUNDING WOULD BE EXHAUSTED BY JUNE,
22 1999, AND IS REQUESTING ANOTHER \$500,000 AUGMENTATION FOR
23 THE REMAINING PERIOD.

24 STAFF RECOMMENDS APPROVAL.

1 I'D LIKE TO INTRODUCE KRISTIANA VIDUYA NOW TO
2 GIVE HER PRESENTATION.

3 CHAIRMAN EATON: WELCOME.

4 MS. VIDUYA: CHAIRMAN EATON AND BOARD MEMBERS, I
5 HAVE A SLIDE SHOW PRESENTATION IF YOU'D LIKE TO SEE IT
6 REGARDING THE ACCOMPLISHMENTS THAT WE'VE HAD. IS THAT
7 INTERESTING TO YOU NOW?

8 CHAIRMAN EATON: SURE.

9 MS. VIDUYA: AS YOU PROBABLY KNOW FROM YOUR
10 BRIEFINGS, THE CCC'S MISSION IS TO PROVIDE MEANINGFUL WORK
11 AND OPPORTUNITIES TO ASSIST YOUNG PEOPLE IN PROJECTS LIKE
12 YOURS, DOING RESOURCE -- EXCUSE ME -- ENHANCING THE
13 RESOURCES AND PROVIDING BENEFITS TO THE COMMUNITY. THE
14 PICTURES THAT I'LL BE SHOWING TODAY ARE FROM THE FUNDING
15 THAT YOU'VE PROVIDED.

16 ANNUALLY WE PROVIDE OVER \$3 MILLION WORTH OF
17 NATURAL RESOURCE CONSERVATION WORK, INCLUDING ENVIRONMENTAL
18 PROTECTION, TREE PLANTING, AND PARK DEVELOPMENT, AS WELL AS
19 EMERGENCY RESPONSE. YOU'VE PROBABLY SEEN US IN THE MEDIA.

20 THE ORIGINAL REQUEST -- AND YOU SPOKE TO IT
21 JUST BRIEFLY -- IS WE CAME ASKING FOR 1.6 MILLION, YOU ASKED
22 US TO GO FIND SOME PARTNERS, AND COME BACK LATER. AND WE'VE
23 SPENT ABOUT 700,000 TO DATE. OUR REQUEST IS THE \$500,000.

24 FRIDAY AT FIVE O'CLOCK WE GOT THE LIST FAXED

1 OVER TO SAY CAN YOU WORK IN THESE AREAS, IS THIS SOMETHING
2 THAT YOU CAN DO. SO, FEVERISHLY, OVER THE WEEKEND WE
3 LOOKED, AND CAN WE SERVE? YES, WE CAN WORK IN THOSE AREAS.

4 THERE'S MANY OF THE CITIES THAT ARE LISTED
5 HERE THAT WE ALREADY PROVIDE SERVICES TO. WE WORK IN
6 COOPERATION WITH THE LOCAL CORPS. AND, ALTHOUGH SOME OF THE
7 SITES ARE SLIGHTLY REMOTE, OVER THREE HOURS FOR US TO
8 COMMUTE THERE, WE HAVE ALTERNATIVE WAYS TO SERVICE THEM.

9 AND I'D LIKE TO TELL YOU A LITTLE BIT ABOUT
10 THE PROGRAM. WE PROVIDE THE RECYCLING EDUCATION PROGRAM IN
11 SCHOOLS, TO HIGH SCHOOLS, COMMUNITY COLLEGES, AND AT
12 DIFFERENT EVENTS. THE CLASSROOM EDUCATION INVOLVES
13 INTERACTIVE LEARNING, PEER INSTRUCTION, WHICH IS ONE OF THE
14 BEST THINGS OF -- THE TEACHERS LIKE ABOUT IT, AS WELL AS
15 BILINGUAL PRESENTATIONS. WE'RE FOCUSING ON AUTO SHOP AND
16 DRIVER EDUCATION PROGRAMS.

17 IN THE PRE- AND POST-SURVEY
18 RESULTS -- PRE- AND POST-SURVEY RESULTS SHOW THAT THERE'S AN
19 INCREASE IN AWARENESS FROM THE TIME THAT WE COME IN, ASK
20 THEM WHAT DO THEY KNOW ABOUT USED OIL RECYCLING TO NOW.

21 THE FEEDBACK INCLUDES THAT THEY REALLY LIKE
22 OUR PRESENTERS AND THAT THEY STRESS THAT THE STUDENTS HAVE
23 THE POWER TO VOICE THEIR CONCERN ABOUT CARING FOR THE
24 ENVIRONMENT, AND THAT WE DELIVER CLEAR INFORMATION AND A

1 NICE VARIETY OF TEACHING METHODS.

2 THE PRESENTATIONS WE'VE BEEN
3 FOCUSING ON ARE THE RURAL AND UNDER-SERVED AREAS. THAT'S
4 THE 56 AND THE 30% IN THE TOP TWO, AND 13% IN THE OTHER.
5 THE OTHER CATEGORY IS NOT RURAL OR UNDER-SERVED.

6 COMMUNITY AND PUBLIC OUTREACH. WE TARGET THE
7 DO-IT-YOURSELF. THAT'S ONE OF THE THINGS THAT THE BOARD
8 ASKED US TO DO. WE ASSIST AT HOUSEHOLD HAZARDOUS WASTE
9 EVENTS, STAFFING BOOTHS AT AIR SHOWS AND CAR SHOWS, ANYPLACE
10 WHERE THE DO-IT-YOURSELF MIGHT BE. DISTRIBUTING
11 DOOR-TO-DOOR LITERATURE, ENCOURAGING CURBSIDE RECYCLING AND,
12 OF COURSE, OFFERING BILINGUAL PRESENTATIONS.

13 FOR THE GRANTEES WE DO STORM DRAIN
14 STENCILING, DO THE PRESENTATIONS, LEAFLET DISTRIBUTION,
15 SURVEYS. THIS IS AN EXAMPLE OF US DOING SURVEYS.

16 THE COUNTIES AND THE CITIES THAT YOU ASKED US
17 TO FOCUS ON ARE LISTED HERE. WE HAVE GONE AND MET WITH ALL
18 OF THEM THAT YOU'VE ASKED US TO CONCENTRATE ON.

19 ON CUSTOMER SATISFACTION, IN YOUR AGENDA ITEM
20 IT DISCUSSED THE '97 SURVEY OF LOCAL GOVERNMENTS. IN
21 ADDITION TO THAT, OUR PLANNING AND QUALITY ASSURANCE GROUP
22 DOES CUSTOMER SERVICE SURVEYS. ON A SCALE OF ONE TO 10 ALL
23 OF THEM ARE RIGHT NEAR NINE AND A HALF, FINDING US TIMELY,
24 COMPLETE, COURTEOUS, OVERALL POSITIVE, THAT WE FULFILL THE

1 COMMITMENT AND PROVIDE A GOOD COMMUNITY BENEFIT, AND THEY
2 WOULD DEFINITELY WORK WITH US AGAIN.

3 AND WHAT THEY LIKE BEST ABOUT THIS PROGRAM IS
4 THAT THEY CONSIDER IT NO-COST. YOU KNOW, IT'S, OF COURSE, A
5 COST TO THE TAXPAYERS, BUT THEY CAN -- THE GRANTEES CONSIDER
6 IT NO-COST TO THEM, AND THAT'S WHY WE REALLY APPRECIATE
7 GOING INTO THE NEW AREAS.

8 AN EXAMPLE OF SOME OF OUR DISPLAYS.

9 SOME OF THE BENEFITS ARE, OF COURSE,
10 TARGETING THE AREAS THAT YOU SEE FIT. THE STATEWIDE
11 FLEXIBILITY IN THE PROGRAM, BECAUSE WE CAN SEND CORPS
12 MEMBERS JUST ABOUT EVERYWHERE. WE HAVE RESIDENTIAL SITES
13 LOCATED THROUGHOUT THE STATE. AND THE PROGRAM INCLUDES THE
14 STAFF SUPERVISION, TRANSPORTATION, SAFETY EQUIPMENT, THE
15 EVALUATIONS, ALL THE MULTI-MEDIA MATERIALS, AND THE
16 COORDINATION, LOGISTICS, AND THE STATEWIDE REPORTING.

17 THE STUDENTS LEARN THE VALUE OF RECYCLING,
18 THE IMPORTANCE OF ENVIRONMENTAL PROTECTION, AND THEY REALLY
19 BENEFIT FROM THE PEER INSTRUCTION.

20 THESE ARE THE BENEFITS TO THE COMMUNITY.
21 THEY'RE PART OF THE EFFORT. THEY SEE THE OUTWARD SIGNS BY
22 HAVING THEIR STORM DRAINS STENCILED. AND MANY TIMES THE
23 CORPS MEMBERS ARE LOCAL KIDS THAT ARE DELIVERING THE
24 PRESENTATIONS TO THE SCHOOLS.

1 ONE OF THE GREATEST THINGS, FOR ME, IS WHAT
2 IT DOES FOR OUR CORPS MEMBERS. IT ENHANCES THEIR
3 OPPORTUNITIES. THIS KIND OF PROGRAM IS DIFFERENT THAN OUR
4 TRADITIONAL PUBLIC SERVICE CONSERVATION WORK. WHAT THEY'RE
5 ABLE TO DO IS DEVELOP PUBLIC SPEAKING SKILLS, THEY LEARN
6 TEAMWORK, THE INCREASED SELF-CONFIDENCE IS FABULOUS. SELF-
7 ESTEEM AND LEADERSHIP SKILLS. WE SEE A LOT OF PEOPLE MOVING
8 INTO LEADERSHIP POSITIONS AFTER THEY'VE HAD THE OPPORTUNITY
9 TO LEAD THROUGH CLASSROOM PRESENTATIONS.

10 HERE ARE SOME OF THE THINGS THAT WE'VE DONE
11 IN THE LAST COUPLE YEARS FOR YOU. PROVIDED PRESENTATIONS AT
12 A NUMBER OF SCHOOLS. TALKED TO NEARLY 70,000 PEOPLE. WE
13 WORKED ALMOST 12,000 HOURS FOR LOCAL GRANTEES. REACHED OVER
14 20,000 STUDENTS. AND, YOU'VE TRAINED OVER 200 CORPS
15 MEMBERS, YOUNG PEOPLE 18 TO 24, IN THE USED OIL RECYCLING
16 MESSAGE, AND THEY'RE SENDING THAT MESSAGE OUT. AND OVER
17 7,000 STORM DRAINS STENCILED.

18 WHAT WE'VE DONE SPECIFICALLY TO HELP DEVELOP
19 OUR GRANTEE PARTNERSHIPS IS -- IN COOPERATION WITH YOUR
20 STAFF -- WE DID A MASS MAILING WITH FOLLOW-UP CALLS, WE'VE
21 WRITTEN ARTICLES FOR RCRC, THE RURAL COUNCIL OF RURAL
22 CITIES, REGIONAL COUNCIL OF RURAL CITIES, AND THE LOCAL
23 GOVERNMENT COMMISSION. WE PARTICIPATE IN CEIN, WHICH IS THE
24 CALIFORNIA ENVIRONMENTAL INTERAGENCY NETWORK. AND, WE'RE

1 WORKING TO DEVELOP LANGUAGE FOR POSSIBLE NOFAS (PHONETIC)
2 FOR THE NEXT FUNDING CYCLE.

3 SO, THE PLANS FOR THE CCC AND OUR PARTNERSHIP
4 FOR THE REST OF THIS YEAR AND BEYOND, WHAT WE HOPE TO DO IS
5 TO CONCENTRATE ON THE AREAS THAT YOU'D LIKE US TO, TO EXPAND
6 OUR PARTNERSHIPS WITH THE LOCAL GOVERNMENTS, TO BROADEN THE
7 FUNDING THROUGH MORE COLLABORATIONS, INCREASE PUBLIC
8 AWARENESS, AND TO WORK WITH THE BOARD TO DEVELOP NEW
9 PROGRAMS INTO THE FUTURE.

10 SO, AGAIN, OUR REQUEST IS \$500,000 FROM THE
11 BOARD.

12 CHAIRMAN EATON: THANK YOU.

13 ANY QUESTIONS? OKAY.

14 MEMBER PENNINGTON: MR. CHAIRMAN?

15 CHAIRMAN EATON: MR. PENNINGTON.

16 MEMBER PENNINGTON: I'D BE HAPPY TO MOVE ADOPTION
17 OF RESOLUTION 1999-280.

18 CHAIRMAN EATON: AND I'LL SECOND THAT MOTION.

19 MEMBER ROBERTI: SECOND.

20 CHAIRMAN EATON: OH, THERE'S A THIRD AND A SECOND,
21 WE'LL TAKE THE THIRD AND WE'LL LEAVE THE SECOND.... I'M
22 READY TO BAIL.

23 MR. PENNINGTON MOVES AND SENATOR ROBERTI
24 SECONDS THAT WE ADOPT THE RESOLUTION AND AWARD OF THIS

1 CONTRACT AND THE MONEY.

2 SINCE THIS IS AN AWARD OF MONEY, MADAM
3 SECRETARY, WOULD YOU PLEASE CALL THE ROLL?

4 THE SECRETARY: BOARD MEMBERS JONES?

5 MEMBER JONES: AYE.

6 THE SECRETARY: PENNINGTON?

7 MEMBER PENNINGTON: AYE.

8 THE SECRETARY: ROBERTI?

9 MEMBER ROBERTI: AYE.

10 THE SECRETARY: CHAIRMAN EATON?

11 CHAIRMAN EATON: AYE.

12 THAT COMPLETES TODAY'S PORTION OF OUR TWO-DAY
13 MEETING. TOMORROW WE WILL ONCE AGAIN START AT 9:30 IN THE
14 MORNING. UPON COMPLETION OF THAT SEGMENT WE WILL GO INTO A
15 CLOSED SESSION ON A COUPLE OF MATTERS THAT INVOLVE PERSONNEL
16 AND/OR LITIGATION.

17 SO, UNTIL 9:30 TOMORROW WE STAND IN RECESS.
18 THANK YOU VERY MUCH.

19 (WHEREUPON, THESE PROCEEDINGS WERE ADJOURNED.)
20